









THE  
CALCUTTA REVIEW

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*No man who hath tasted learning but will confess the many ways of profiting by those who, not contented with stale receipts, are able to manage and set forth new positions to the world: and, were they but as the dust and cinders of our feet, so long as in that notion they may yet serve to polish and brighten the armoury of truth, even for that respect they were not utterly to be cast away.—MILTON.*

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# THE CALCUTTA REVIEW

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*No. 173.—JULY, 1888.*

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## ART. I.—BOMBAY STATE PAPERS.

FOR the lover of history there cannot be a more fascinating task than the study of original authorities. To draw from the fountain-head our knowledge of thrilling incidents, brilliant campaigns, diplomatic triumphs, or the not less interesting, if less striking, processes by which civilisation has been advanced, anarchy put down, and the happiness of the people at large promoted, is a highly enviable privilege. This is what Mr. Forrest's delightful volumes have enabled us to do with regard to the history of Western India. We learn from them the plain unvarnished tale of what the founders of the British Indian Empire accomplished in their own actual words. It has been for Mr. Forrest to bear the burden and heat of the day in the compilation of these papers; while, thanks to him, we can turn over the pages of the story at our ease. Mr. Forrest has had to search through masses of dusty manuscript that had been long since put aside and forgotten, to decipher the almost illegible characters used by a generation that is dead and gone, to separate the wheat from the chaff, and finally to arrange and collate what it appeared advisable to retain. "Owing to the decayed state of the paper," he tells us, "and to the ink having spread, considerable difficulty has been experienced in deciphering the early documents. Some leaves unfortunately crumbled to pieces the moment they were touched." The fruits of his labour have been presented to the public in three handsome

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\* Selections from the Letters, Despatches, and other State Papers preserved in the Bombay Secretariat, Marátha series and Home series, edited by George W. Forrest, B.A., Deccan College, Fellow of the Bombay University.

volumes printed at the Government Central Press, Bombay. The first of these comprises a series of papers, giving the relations of the Company with the Marátha Power; the last two form a parallel series relating to the home affairs and internal administration of the Bombay Presidency. In the Marátha series the spelling now in use has been employed throughout. But in most of the home series, Mr. Forrest has given a literal transliteration of the manuscript; and the uninitiated may experience some little difficulty in making out passages like the following.

“Worshipfull, & <sup>ca</sup>.

Good freinds,

Wee are now with yo<sup>r</sup> of y<sup>e</sup> 30th July in answere to ours of y<sup>e</sup> 4<sup>th</sup>, 6<sup>th</sup> and 11<sup>th</sup> of said month, and doe approve in y<sup>e</sup> main of y<sup>e</sup> reasons you give us for y<sup>e</sup> number and increase of your garrison souldiers, by yo<sup>r</sup> taking y<sup>e</sup> seamen into yo<sup>r</sup> Rolles, w<sup>ch</sup> otherwise would have layen all y<sup>e</sup> winter idle, & at a gr<sup>t</sup> charge, and yo<sup>r</sup> initiating y<sup>m</sup> into military desciplins ashore, & introducing a familiarity between y<sup>m</sup> and y<sup>e</sup> souldiers, w<sup>ch</sup> is prudently done.”

In the first volume of the home series there is given a facsimile of an average specimen of the early correspondence, with which we must admit our entire inability to grapple. It would have been more convenient to the general reader if the same principle had been adopted with regard to the transliteration, and the book printed in the modern method, a specimen only of the original spelling being given.

On the main facts of Bombay history, it cannot be said that the papers throw much new light; but the details that they give are of great interest. Instead, therefore, of using them to draw up a general sketch of the times, we think it will be more acceptable to our readers if we give as many extracts from them as our space permits of, with such explanatory notes as may be necessary.

The first document in the series is a letter from the President at Surat to the factors at Agra. It is dated September 30th, 1630; and it is the oldest document in the Record Office that has e-caped the ravages of fire, neglect and time. It relates chiefly to commercial matters, and has scanty reference to contemporary history. Instead of making Surat the last port of the fleets’ “final dispeed for England,” it says, “we are determined to alter that course by appointing Persia for their last port, and to that end shall with all convenience possible endeavour the present lading of these our Indian investments.” The next letter is of a very different type. It plunges us at once into the Indian politics of the time. The Empire that Bábar had founded was then at the height of

its splendour. Akbar, the noblest of the Moghal Emperors, had passed away a quarter of a century before. His son Jehángir, a gloomy and sullen tyrant, died in 1627; and Shah Jehán, who surpassed in magnificence all the former Emperors of India, the architect of the graceful Tájmahal, reigned in his stead. His dominions in the west of India included Sind, Guzerat, Khándesh, Berár and Ahmednagar. The Mussalman kingdoms of Bijapur and Golkonda, which were older than the Moghal Empire, still maintained their independence of it. Along the coast, especially at Goa, Chaul, Bassein, Surat and Diu, the Portuguese had been long established. It was nearly a century and a half since, in 1498, Vasco da Gama cast anchor in the harbour of Kálikat; and their fortunes had already passed their zenith. The English had only been in the country for the short period of 23 years. The first of our ships that reached the shores of India was the "Hector," under Captain Hawkins, which arrived at Surat in 1607. Hawkins ventured upon the dangerous journey to the Court of Jehángir at Agra; but he could not succeed in obtaining permission to trade. No argument, however, has such an effect upon the Oriental mind as physical force; and when in 1612 some ships under Sir Henry Middleton defeated a much superior naval force of the Portuguese, Jehángir vouchsafed to allow the English to trade in his dominions. They were also authorised to build factories at Surat, Cambay, Gogo, and Ahmedahad, the first of which was their presidency, or chief factory. To Sir Thomas Roe, the English ambassador from James I, Jehángir granted still further concessions; and from the time that these papers commence, the Company was fairly well established. The time was emphatically one of transition. Muhammadan rule was composed of elements which not even common interests and a common religion could succeed in uniting. There was no real cohesion in the empire; the Emperor's sons constantly waged rebellion against him; contentions ran riot in his armies. The Nizam Sháhi dynasty of Ahmednagar had indeed been, within the last few years, added to the dominions of Shah Jehan; but its two sister kingdoms, Bijapur and Golkonda, were still engaged in incessant internecine wars, which were only interrupted for occasional union against a common foe. Each of these enrolled under their banners Marátha chieftains and their followers, little thinking of the results that this policy would assuredly produce. For the forces were already in operation which later on brought forward Shiwaji the son of Shahji as a champion of the Hindu faith, and the founder of a Hindu empire, under whose axis the Maráthas should smite down and drive out of Western



India its Mussulman rulers, emperor and kings alike, to yield at last only to the might of England. But far from anticipating their ultimate triumph, the English merchants on the coast sought only to extend their trade and protect their factories. The idea of ever conquering the rich and fertile countries upon whose borders they were only allowed to dwell on sufferance, was beyond their wildest aspirations. *Per angusta ad angusta* might have been their motto; and how little and trivial their dealings were and how blindly, and with what uncertain footsteps, they struggled onward to their ultimate goal, there is ample evidence in these papers.

But of one thing they had quite made up their minds, and that is, that they would stand no nonsense from traders of other European nations. They were therefore constantly engaged in struggles with the French, the Dutch and the Portuguese. An admirable description of a fight with the latter of these as given in the third letter of the Home Series. It took place on the 15th of October 1630. "The English," the account runs, "having divided themselves into three squadrons, appointed only one to appear in sight of the enemy, towards the water side, and the other two to wheel about behind the sand hills, that so inviting their foe to encounter with the lesser number, they might (when drawn within the distance of musket-shot) rejoin their full strength again, as they did; when as the Portugals, who less cautiously had opened and spread themselves in good order the full length of all their brigades, as they purposely had contrived themselves close alongst the shore, as well for the safety of their own people as to terrify ours not to dare any further for dread of their great ordnance, which with their harquibuses usually mounted on their frigates' sides, was the refuge it seems they mainly depended on. But such was the undauntedness of our English, being stirred up to a great measure of fury by the hourly vexations and bravings of the enemy, as being now come within shot, with a general resolution rejoicing at the occasion, after a shot or two received first from the Portugals, pushed on in the very face and mouth of all their frigates, and perceiving that but three of them could use the advantage of their prowess against them, and that some of the rest were brought aground, and had only their harquibuses to gall them, advanced forwards still plying their small arms with very good discipline, and the Portugals no less valiantly replying with their double forces, as well from their frigates at sea, as the squadron on shore, but not able it seems to endure the obstinate rage of our people, they began to give ground, and our most fiercely following, entered pell mell amongst them, even into the water, within less than pistol shot of their frigates; in which interim the Vice-King's

son was conveyed aboard, but so narrowly escaped, that the party who provided for his safety was himself taken prisoner in the action: many of the English not fearing to run up to the chin in water, even to the very sides of their frigates, pursuing the victory with great slaughter both at shore and at sea, and at length returned with 27 Portugals prisoners taken alive, without the loss of any more than one ancient man (a corporal) not wounded but suffocated only with heat, and the wounding of seven more of our people. This they happily performed in sight of Mirza Báker, and divers of these country people to their great admiration and our nations greater honour. To that good God who led them by the hand be the glory."

In a long letter to the Company in London, dated Surat, 16th, 1663, the factors deal with the most miscellaneous subjects. They impress upon their right worshipful and honoured friends the necessity of maintaining a considerable force "that the Dutch may not baffle you, which their insolence and pride will undoubtedly attempt to do, to engross the whole trade, for if so strong they will transport all merchants' goods." "The Dutch" they go on to say, "make no account of the articles of peace so lately concluded between our two nations, wherein it is concluded and agreed that we should have commerce and trade in the same freedom one with another that each respective nation hath or is granted and allowed to the nations that are inhabitants with unity and friendship, whereas on the contrary they prosecute us (where they have no real pretence) in other kings' jurisdictions, and by threats and menaces of the people, if they shall at any time either furnish or suffer us to have the least trading or commerce with them."

The factors next ask their honourable masters for rarities to be used as presents to the native officials. They want the finest scarlets and greens, a piece of red and a piece of green satin, some knives of all sorts, those of amber hafts without pictures, silver enameled, &c., and what other rarities they may light upon, such things being often better accepted than those of greater value. They find themselves in great want of writing materials and medicines. "We were in good hopes," they write, "you would have yearly sent us a supply of paper with quills and a few black lead pens, of all which we are now entirely destitute, having expended the whole quantity in employing your servants, whereof we brought out a considerable number, besides those we found in the country; we confess we might have been better husbands had it not been merely to have kept them from idleness. We have made our surgery chest to last us two years with the help of such medicines as are here procurable; what is immediately wanting to us the enclosed list will acquaint you with, please to enorder their reaching by the next."

There is no lack of pious sentiment and commendations to the Almighty in these letters, nor do the factors neglect to hold religious services. "We have separated a place apart for God's worship," this same long letter tells us, "decently adorned it, wherein stands your library, and amongst them those several volumes of the holy Bible in the languages which is much esteemed by those that are learned amongst these people; that if any eminent person come to your houses, his greatest desire is to see the chapel: wherefore we entreat you, for further ornament, to send us out a large Bible in a frame, gilded and handsomely adorned with Moses and Aaron holding the two tables containing the ten commandments, the Lord's Prayer, and the Creed, written in letters of gold, and in the midst, at the top, in triangles, God's name written in as many of these Eastern languages as Arabic, Persian, &c., as can be procured; which if you please to honour our chapel with, it will be a glory to our religion, as that which is more taken, than anything that they shall read besides, and yet our meaning is that the commandments, &c., be wrote in the English language."

The same letter goes on to describe their commercial transactions. They could only procure 25 out of 40 tons of seed-lack indented upon them by the Company in London. They send 63 tons of stick lack, being thoroughly garbled and the flags, dust and trash taken out. Tincall they could not procure at the price set them. Of Alloes Sockratina they had procured about 11 tons. Of shellack, notwithstanding their utmost diligence, they could get no more made than 19 tons or thereabout. Turmeric, cowries, sena, koko seed, myrrh, camphor, cinnamon and goat's wool are the next items in this curious list. No less than 140 tons of pepper were sent, and 56 bales of saltpetre. Of cotton yarn they sent the desired quantity. The purchase of this had been no easy matter. The factors had been "nearest 16 months buying it, in keeping a daily market for the buying of it by small parcels as it was brought in from the villages, that we hope our care and pains will appear in its goodness and well sortment." The great obstacle in obtaining the amount required was, they say, "our strictness and severity to the weavers in keeping them to their lengths and breadths, which they would with less trouble have been brought to, were it not for other buyers who stand not so much on it as we do, especially our never failing obstructors the Dutch, who look neither to thick or thin, broad or narrow, and they want not above three quarters of a yard in length and two or two-and-half inches in breadth, which makes us think sometimes that they do it on purpose to weary us out and hinder our buying any." The articles most in request from home appear

to have been lead, copper, broadcloth, (red and green and scarlet and popinjary,) coral—of this they wanted no less than Rs. 40,000 worth,—alum, brimstone, quicksilver, vermilion, tin, anchors and yellow amber. The same letter goes on to describe the attack made by Shiwaji, “that grand rebel of Deccan,” who had now carved out for himself a kingdom which extended 160 miles from north to south along the coast, with a breadth of 100 miles. The unwisdom of Aurangzeb, the Puritan Muhammadan monarch, who had imprisoned his father Shah Jehán, and seized his throne, had actually encouraged the rise of the great Maratha, in order the more effectually to crush the kingdoms of Bijapur and Golkonda which he should have made the bulwarks of his empire. A more detailed account of Shiwaji's doings at Surat is given a little later in a letter to the factors at Madras. “To all admiration and wonder Shiwaji, that grand rebel of Deccan, hath so privately conveyed himself into these parts with a force of 6 or 7,000 horse and foot, before the governor or any of these townspeople had the least inkling of his approach, which sudden news that he was to come to the gates of this town the next day, instantly drove that governor and all his retinue together with the eminences most considerable persons that were inhabitants into the castle, the other more inferior peoples, all of them, forsook their houses and fled with their families, some by water and others by land, leaving their houses and whatever of estates and fortunes they had, exposed to the cruelty of this rogue, who put so great a terror into them through his tyranny to those that were taken by his scouts in their flight, by cutting off the hands of many, and heads of some, that the terror of him reigned to this day in the hearts of the people, that notwithstanding here is now left by Mohábut Khan the governor of Ahmedabad an army of 1,000 horse and 500 foot, yet are the inhabitants so fear stricken, that he may return again, that the greatest part of the townspeople are since fled. From the 1st of this alarm (which was the 6th January) we sent down to the several commanders in the roads, and the next morning had 50 or 60 of their seamen sent to our aid well armed for our assistance: that day being the 7th, entered the town with fire and sword, had robbed and plundered Virgy Vorah, Hodge Said Brague (sic) those great and eminent merchants, of the greatest part of their riches with many more, and when they had possessed themselves of all, fired their houses down to the ground, all but Hodge Said's our neighbour, and that we preserved in defence of our own.” He demands a “liberal gift” from the English, but they reply that they know no obligation they had to give him any thing, or he any reason to demand it, and they were resolved to maintain their own with their

lives. After finding that his messengers achieved, nothing, "the next day Shiwaji sent a party of horse and foot, with combustible stuff to fire the several Bania houses that were joining to ours, hoping thereby to do as much to us; that they might not be discovered, they kept under the eaves of the houses that we could perceive only the blades of their lances, whereupon we sent a party out to fight them, that in a short time routed them out from thence, after which they came not more near us, but minded their plunder and firing the town at a distance, until said rebel had heaped to himself vast riches, to the amount of many hundreds of thousand pounds." A Mr. Anthony Smith, coming from Swally, was taken prisoner by Shiwaji. "In the time of his imprisonment" we are told, "the rogue cut off more than 26 hands in one day and many heads; whoever he was that was taken and brought before him that could not redeem himself, lost either his hand or his head." The Commander of the relieving Moghal army was delighted with the bravery of the president, Sir George Oxenden, and in reward of his good service, "he gave him a vest, a horse, and girt a sword about him."

The factors had a great idea of the effect of outward show and trappings upon the natives. In order not to be surpassed by the Dutch, we find them writing home for a trumpeter, who must be of unexceptionable character. "We are in want of a trumpeter," they write, "and wish you would please to send us one out that is able, for that these great men do often fancy the sound of our trumpets, and send to us for them when we have one, and in regard the French have two and the Dutch one, 'twill not be seemly for us only to be without; we, at present, serve ourselves for fashion's sake, of a young man who hath little or no skill; if you please to favour us therein, we entreat that care may be taken that he be orderly and well disposed in his conversation."

The merchants are greatly troubled for want of proper weights for weighing silver. "We have, in our last, advised" they write, "that our beam and troy weights for weighing of silver are defective, and desired you would be pleased to order a new supply. Some we must now also buy, for avoirdupois weights, being in great want of beams and weights for all your factories and for Bombay; wherefore we intreated you to send us at least eight beams with weights, proportionable, great and small, for those which we have in your warehouses here are not to be trusted to; in your factories they have none at all, for want of which they and we cannot be so exact in our weights as otherwise we might be."

The English at Surat were year by year improving their position, and a charter granted them by Charles II, in addition.

to extending their trading privileges, gave them important political and judicial authority. They were empowered to choose their own Governors, and to administer British law within their settlements. They were authorised to make war with any power not Christian, to build fortifications, and to suppress the trade of interlopers. This greatly raised the statement of the Company's settlement at Surat. But a city destined to become the second city in the British Empire, when the greatness of Surat was well nigh forgotten, was now to come into the Company's hands. In 1661 the Island of Bombay was ceded by Portugal to the British Crown, as dowry of the "most excellent Princess the Lady Catherine Infanta of Portugal," upon her marriage with the "most serene and most potent Charles, by the grace of God, King of Great Britain, France and Ireland, &c." The treaty which was dated June 23rd 1661, is given at length in these volumes. The 11th article recites the objects of the treaty. It states "that for the better improvement of the English interests and commerce in the East Indies, and that the King of Great Britain may be better enabled to assist, defend, and protect the subjects of the King of Portugal in those parts from the power and invasion of the States of the United Provinces, the King of Portugal, with the assent and advice of his council, gives, transfers, and by these presents grants and confirms to the King of Great Britain, his heirs and successors for ever, the port and island of Bombay in the East-Indies, with all the rights, profits, territories and appurtenances whatsoever thereunto belonging; and together with the income and revenue, the direct, full, and absolute dominion and sovereignty of the same port, island, and premises, with all their royalties, freely, fully, entirely, and absolutely." Not only was the King of England to protect the subjects of Portugal in India from the Dutch, but, so long had the once powerful Portuguese sunk, that he also engaged, whenever Portugal should be invaded, to send thither ten good ships of war, and whenever it should be infested with pirates, to send three or four, all which ships should be sufficiently manned and furnished with provisions for eight months, and in short, take upon himself the defence of Portugal both by land and sea as if it were England itself. One of the articles lays down that, "if ever the Island (of Ceylon) should come into the power of the King of Great Britain, he is bound effectually to restore and surrender the dominion and possession of the town and port of Colombo to the King of Portugal." However, the English, and not the Portuguese flag flies over Colombo now-a-days.

But if the English did not fulfil this condition, they had ample provocation for breaking it. The Portuguese had

promised, in the plainest possible words, to give with Bombay all the territories thereof. This they flatly refused to do, and they insisted that Colaba, Karanja and other islands in the harbour, not to speak of Salsette, did not form part of the bargain. The English force sent out by Charles II to take possession of the island, took up its station at Anjediva, an island off Goa, and the Earl of Marlborough who commanded it, went home for instructions, leaving the expedition in charge of Sir Abraham Shipman his second in command. Most of the troops, and Sir Abraham himself, died of pestilence, and in 1664 Mr. Humphrey Cooke, his secretary, agreed with the Portuguese to accept Bombay alone. A series of articles were drawn up and signed in January 1665, of which we select the following for quotation :—

*Article 4.*—"That the English gentlemen should not interfere in matters of faith, nor will compel the inhabitants of the said Island of Bombay, neither directly nor indirectly, to change their faith, or to go and attend their sermons, and shall allow the ecclesiastical ministers the exercise of their jurisdiction without the least impediment.

*Article 10.*—"That although the manor right of the Lady, the Proprietrix of Bombay, is taken away from her estates if she lives in the island, and they are not to be entermiddled with or taken away from her unless it be of her free will, she being a woman of quality, they are necessary to her maintenance, but after death, and her heirs succeed to those estates, the English gentlemen may, if they choose, take them, paying for the same their just value, as is provided in the case of other proprietors of estates, and should the English gentlemen now wish to take her houses to build forts thereupon, they shall immediately pay her their just value."

*Article 12.*—"That the parish priests and monks, or regular clergy that reside in Bombay, shall have all due respect paid to them as agreed upon, and the churches shall not be taken for any use whatever, nor sermons shall be preached in them, and those who may attempt it should be punished in such manner as to serve as an example."

There are other provisions in this treaty about free trade, unrestricted use of the harbour, and full liberty to fish. This treaty was by no means acceptable to Charles II; and, in March 1676, he wrote to the Viceroy of Goa to repudiate it. "Most illustrious and most excellent Lord Viceroy," he writes, "Our very dear friend. Our subjects, throughout the East, "exercising trade, have lately preferred their complaints to us "that they experienced little of that friendly behaviour which "they expected from the Portuguese nation, but on the contrary "had met with much worse treatment there than the treaty of

"marriage between us and our dearest consort seemed to promote. In order to remedy this evil, our intention is shortly to elucidate and explain the eleventh article of that treaty, conjointly with our aforesaid brother the Most Serene Prince of Portugal, by whose justice we doubt not our Sovereign rights in the Port and Island of Bombay and their dependencies, will be vindicated from that very unjust capitulation which Humphrey Cooke was forced to submit to at the time when that place was first transferred to our possession, which capitulation, neither he, Humphrey, was empowered to come into, nor any one else to impose upon him, in contravention to a compact framed in so solemn and religious a manner. We therefore are determined to protest against the said capitulation as pre-judicial to our Royal dignity, and derogatory to our right, which we hold in the higher estimation for coming to us in part of the dowry with our aforesaid dearest consort." Nothing, however came of this magniloquent remonstrance; and the value attached by Charles to his island seems hardly to have been so great as he pretended, since he handed it over to the Company for a rent of £10 per annum, on the undertaking that "all persons born in Bombay were to be accounted natural subjects of England." Gerald Aungier, the first President of Bombay, subsequently acquired the island of Colaba, now part of Bombay, by purchase from the Portuguese; but the others, Karanja, Salsette and Elephanta did not come into our possession for nearly a century later, on the termination of the seven years continuous fighting known as the first Marátha war.

For the present the English presidency remained at Surat, and was not transferred to Bombay till 1684. From that time Surat, although it flourished for the best part of a hundred years longer, loses much of its interest for us, and we prefer to follow the fortunes of the growing settlement at Bombay. Incidentally, however, we may note a curious list of 28 factors at Surat, opposite the name of one of whom, named Val Hurse, we find the terse description "drinking sot." Before moving the seat of their administration, the Surat merchants drew up a remarkable series of rules for the government of their new acquisition. The first shows that the value they attached to Bombay was much on a par with that felt for it by their sovereign. "That in regard," it runs, "the general charges of this island are great and do far exceed the revenue, now that the customs are given free and the seized lands returned; wherefore to the end that the sole burthen of the charge may not light on the Company only, *seeing they reap no benefit thereby*, it seems reasonable that a general tax or assessment be enordered on the respective inhabitants." For the encouragement of trade, it was decreed that interest be settled and



reduced to 9 per cent., and that all manner of extortion be prohibited on severe penalty. Artificers and handicraftsmen, provided they were of the reformed religion, were to be encouraged to settle on the island. "The handicraftsmen which are chiefly wanting are husbandmen and gardeners who understand planting and improving of grounds, the ground of Bombay being apt to receive and bring forth any plant whatsoever when the times and seasons of planting are sufficiently understood; weavers both of silk and cotton, &c., who in a short time may procure to themselves a very comfortable livelihood, carpenters for building of houses as well as ships, who are much wanted and much esteemed, smiths who are also much wanted, gun-smiths and lock-smiths, armourers, bakers, cooks shoe-makers, tailors, dyers, barbers, button-makers, ribbond, weavers, butchers, haberdashers of small ware, &c." Bombay had, indeed, to begin from the beginning. How did the Portuguese get on without bakers and ribbond-weavers?

The early government was a very paternal one. There were rules for everything down to the minutest details. This is what the factors ordered with regard to clothing: "That for the encouragement of good husbandry, by preventing the vain and immoderate excess of apparel, as also for the greater consumption of our own native manufactures, a standing law be established by the Honourable Company, that no apparel or outward garments, to wit, tunics, vests, doublets, breeches, be used or worn by any Christian inhabitants on the said island, those of the Eastern Church excepted, of what quality, nation, and condition so ever, but such as are made of English manufactures, or brought out of England in our own shipping, whether of wool or cotton." The grounds and reasons "for establishing this so necessary an order" are given at length; but we confess that they appear to us rather entertaining than convincing. They are too long for quotation. We cannot omit this order about uniform:—"That for the greater decency of the military order, all the soldiers, as well officers as others, be required to wear red serges or perpetuanoes only in the summer time, or red cloth in the winter, which shall be afforded them at reasonable and cheap rates from the Company's warehouse." Nor was the difficulty as to getting suitable wives for the settlers ignored. The righteous souls of the factors were vexed at the sight of the sons of Englishmen being brought up "in the Roman Catholic principles to the great dishonour and weakening the Protestant religion and interest." So Englishwomen were imported from home, and the children of all Protestant fathers were to be brought up carefully in the Protestant religion, though the mothers thereof be Roman Catholics,—Portuguese, mestise women, natives of the island.

As regards weavers no difficulty was anticipated in attracting them to Bombay, "seeing the country of Shewaji and Decan is harrassed and much ruined by the wars. If you did employ some persons to write the weavers of those parts to come over, they would gladly accept it, if only for a secure livelihood sake."

The defence of the island was taken in hand, but economy was strictly observed. "Our militia is now perfected," the Bombay factors write in January 1677, "we having increased them to a complete body of near 600 men, who are all possessors of land in the island. We shall see them well trained up and disciplined, that they may be serviceable and to be relied on upon the most emergent occasions." . . . . "The charge of the officers is as much abbreviated as possible, the whole body having but one Captain, who has but Lieutenant's pay, and the Lieutenant, Ensign's pay, some of the sergeants but corporal's pay." This is economy with a vengeance, but what follows is still better. "Corporals, but very few, some of which we shall pick out of the militia, *that shall serve without pay.*" They also raised a small troop of 40 horse, "than which nothing can be of greater safeguard to the island, for, besides the extraordinary fame of horse in these countries—one horse being esteemed equivalent to 50 foot—they are such an ubiquitary force (what an adjective!) that in half-an hour's time, by taking up 40 soldiers behind them, we can have 80 men in any part of the island completely armed, ready to impede an enemy's landing, or to quiet any sudden insurrection." The horses must have been of a wonderful breed if they could achieve this extraordinary task. We are afraid the statement must be taken *cum grano salis*; or else the factors had a very vague idea of the size of their island.

Then, as now, the results of all irregularity of living were set down to the climate, but some of the factors knew how to diagnose the evil more correctly. "The soldiers" they say, "do not die by any such fatality concomitant to the climate as some vainly imagine, but by their irregularity and want of due attendance when sick. For to persons in a flux, &c., which is the country diseases, strong drink and flesh is mortal, which to make an English soldier leave off, is almost as difficult as to make him divest his nature, nay, though present death be laid down before him as the reward of the ill-gratifying his palate. This is the true cause our Bombay bills of mortality have come so high."

Gerald Aungier, we observe, had a very marked preference for the reformed religion, but he was nevertheless no bigot. "The free exercise of religion is permitted to all with the use of their ceremonies at weddings and feasts the Bannians, &c. always burning their dead without molestations, neither

do we permit any person to kill anything near the Bannians, who all live by themselves, much less can any person presume to enter into anybody's house or compound without the owner's licence, and for forcing people to turn Christian against their wills, the whole world will vindicate us, neither are any persons forced to carry burdens against their wills."

In June 1677, the Company suffered a great loss. "It hath pleased God" the Surat factors' write, "to our great sorrow, after a tedious sickness, to take out of this life our worthy President, Gerald Aungier, who died this morning between four and five of the clock. . . . Our thoughts are now taken up in giving orders and directions for the decent burial of the defunct, whom, God willing, we intend to inter on Monday next in such manner as the time and place may admit." Aungier had been a statesman of great judgment and firmness. He was one of the great men who helped to build up the fabric of the British Indian Empire. We have seen how he created a militia in Bombay, secured what was the separate Island of Colaba, and encouraged silk weavers and other artisans to settle in the town. He also laid out the streets of the city, built fortifications, and quelled a mutiny among British soldiers, allowed freedom of religion, when all around was nothing but intolerance, and governed the mixed population under a system of panchayet. On his death the judgment of the Council at Surat was, that "amid a succession of difficulties, he preserved the English trade for sixteen years."

The need for a judicature soon showed itself. The economy observed in the military department was extended to the judicial. The following quotation will show the value that was set upon the services of a judge, and it also gives a good example of the strange juxtaposition of subjects that is so common in these papers. "The Carmania goats," the Bombay merchants write, "are all dead; spotted deer we shall send home, some by the Europe ships if they touch here. We do not see the absolute necessity of allowing £120 to a judge, not that we would have the island destitute of a person invested with authority to determine the weightiest causes, but the very name sounds too great for the place. It looks like the great gate of little Pendus that made Diogenes afraid the city would run out at them. Those who come to these parts are commonly mean persons, or young men but very little skilled in our law, and the name of a judge does fill them with such a pride, that they lose reason in the contemplation of their greatness, and think no man their superior, scarcely their equal. . . . The Company formerly ordered that only some one of the factors that was a sober

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and discreet person, might officiate that place, who would, we suppose, be well satisfied to have only the profit of the seals allowed him to his salary which the former judges had."

The difficulty in obtaining proper medicines appears to have been chronic. In 1686 they write that the mortality has this year been exceedingly violent, and they shall want much recruits by all opportunities; and chiefest reason can be given is the absolute want of good Europe medicines that should have been yearly sent out fresh. Country physic serves only to augment the charge of the garrison, and does men more harm than good.

The English residents at Surat had much to endure at the hands of the Moghal authorities. Towards the end of Aurang-zib's reign, there was one specially tyrannical Governor, Dianat Khan. A merchant named Hosson Ammadan (sic) tried to extort nearly five lakhs of rupees from the English on a false charge that he had been robbed of that amount by English pirates. The Governor, Dianat Khan, supported this claim, and demanded restitution. "We returned answer," the factors say, "we robbed not Hosson Ammadan nor nobody, and would not pay or deposit anything; if the King's orders are to kill us, let him come and do it quickly, we would sell our lives as dear as we could. Our people on board the ships at the river's mouth and likewise those in the factory, we could not longer restrain from attempting something extraordinary for the support of life, therefore he would do well to consider where it would end." This communication did not have the desired effect. The next item is that "the Governor relaxed his severity, and allowed us a certain quantity of provisions and water, &c. as he did after our first enlargement, and appointed persons to treat with us, sometimes in a threatening manner and sometimes flattering." Some of the prisoners managed to escape to the ships. As for the rest, the negotiation continued for a long time, when the Governor was recalled, a new one appointed, and the factors released. They attributed Dianat Khan's disgrace to the "undue measures he had taken in the affairs of the port."

For years and years the Company had to maintain a powerful fleet against the Angrias, the fierce pirates of the Western coast. The instructions given to the commanders of the vessels in 1739, smack somewhat of Cromwell's injunctions to his soldiers—"to trust in God and keep their powder dry." They were "in the first place to take care to keep up the service of God on board the vessel you command according to the liturgy of the church of England, that the same be devoutly and decently performed every Lord's day, and on all other appointed seasons, as often as can be done with conveniency, and be very strict in observing a good decorum and discipline among your ship's company,

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severely punishing all profaneness or blasphemers of God's holy name, and on no account permit gaming of any sort. Keep your vessel always in a posture of offending as well as defending. You are to take, burn, sink, or otherwise destroy all savages or other pirates infesting this coast as Angria, &c."

During the presidency of Charles Boone there was a certain stiffnecked divine named Richard Cobbe, who fell foul of various of the Company's servants, amongst whom was a Mr. John Braddyll, who strongly resented the reverend gentleman's interference. The chaplain objected to Mr. Braddyll employing workman on the top of his house on Sundays; and to the excuse that the rainy season was at hand, and if it commenced before he had covered his house, it would inevitably be washed down, Mr. Cobbe burst out and said, he did not care if all the houses in the town were washed away, provided no work was done on Sundays. Not satisfied with this expression of opinion, his ecclesiastical zeal manifested itself in the following way: we quote Mr. Braddyll's words:—"After the congregation, of which I happened to be one, had placed themselves at the altar in a posture for receiving the communion, Mr. Cobbe having consecrated the elements, turned himself towards me and spoke with a loud voice and said, 'Mr. Braddyll.' To which I made no answer, thinking him to be out of his senses, but he repeated it a second time and said, 'Mr. Braddyll, have you been working on Sundays, unless that, I cannot administer you this sacrament.' To the best of my remembrance I told him I had. He went still further and said he would not give me communion unless I would promise him and the congregation there present, that I would work no more on Sundays. I told him I would not, unless necessity obliged me, upon which he condescended to treat me like the rest of the community." A formal complaint against the chaplain was made to the President, to which the minister replied that it was laid down in the rubric that "if any person be a notorious evil liver, he is to be admonished not to come to the Lord's table till he hath repented." As in the opinion of the Members of the Council, Mr. Braddyll was not a notorious evil liver, because he had employed workmen to repair his house on Sundays, it was decided that as Mr. Cobbe had affronted him publicly in the church, he should ask his pardon there; and so on the following Sunday, Mr. Cobbe notified to this congregation here present, that on more mature consideration he found himself to be in the wrong, and did hereby beg Mr. Braddyll's pardon for the injury done him and the offence given him to the other communicants. The lesson was not, however, taken to heart, for a few months later we find the reverend gentleman again in trouble. "It is likewise but too notorious

and usual with him" we learn, "to draw odious characters in his sermons, and apply them to such persons with whom he has had any words of difference. . . . In order, therefore, to secure this Government against the evils which such seditious services and discourses may possibly have on the minds of some people, especially at this time of actual war with our enemy, and an apprehension of a rupture with our neighbours the Portuguese, when there is all the need imaginable of union and firm resolution, it is resolved that Mr. Richard Cobbe be suspended from the Right Honorable Company's service, and from officiating as their chaplain and from receiving a further salary."

On one occasion, in 1748, when they had a difference of opinion with the Dutch, there was some difficulty through the Mynheer's ignorance of English. The Dutch Chief writes thus to the English factory—"I just now had the honour to receive your much esteemed favour of this day, but I am extremely sorry that I cannot understand it, neither have I anybody that can translate or even read it intelligibly and well, and therefore I am obliged to have recourse to your goodness, and to desire you in the humblest manner to let me have a translation of it either in French, Latin, Dutch or High Dutch, or please to send me a trusty man who can explain the contents, though only in Portuguese." In pursuance of the above, we are told that a Mr. Price was sent to the Dutch Directors by the English Chiefs to explain their letter.

The Moghal empire had now become a mere shadow of its pristine glory, and an object of contempt to its former tributaries. We find frequent references in the merchants' letters and diaries to the growing power of the Marathas. The Portuguese power had sunk into decrepitude. The French on the other side of India, inspired by the genius of Dupleix, were already engaged in founding an empire. But, with the exception of their struggles with the Angrias, the English had not yet drawn their sword. After nearly a century and a half they were still merchants on the coast. Their time had not yet come; but its coming was not to be much longer delayed. Meanwhile a fierce conflict was being waged upon their borders between the Marathas and the Portuguese; and in 1739 the rich island of Salsette and the fort of Thana was taken by the warlike Hindus. The English had never forgiven the Portuguese for their breach of the treaty for the transfer of Bombay with the whole of its possessions; and we find the Portuguese commander at Thana bitterly complaining, that "your island is continually furnishing the Marathas with powder and ball, for in the winter season, from the artillery with which the Marathas fired against the town, the balls are all hammered, but since the spring, they are cast, and with English marks.

The island of Versova is continually supplied with vessels from your island with whatever it wants, as well with ammunition as other sorts." The English were undoubtedly pleased at the downfall of the Portuguese, but they entertained with abundant hospitality the unsuccessful garrison of Salsette. They were however awakened by this event, and the capture of Bassein, which took place soon afterwards, to the strength of the Maratha nation; and they deemed it advisable to make a bid for their friendship. The nominal ruler of the Marathas was Shiwaji, or Sáhu as he was commonly called, a grandson of the founder of the Maratha empire. But the real power was rapidly passing from the king to the minister; and Sáhu was not much more than a puppet in the hands of the Peshwa Baji Rao. The English sent a double embassy in the person of Captain Inchbird to Chimnaji, the victorious commander at Bassein, and Captain Gordon to Sáhu at Satara. The President's letter to Sáhu states that "to this end therefore I send Captain Gordon, a person of trust, to your Majesty's presence, there to testify the great zeal and desire I have to deserve your friendship, and approve my readiness to serve your Majesty on all occasions, wishing thereby to establish a good correspondence betwixt your Majesty's subjects and those under this government; and more especially as they are become so much nearer neighbours." Captain Gordon found that his mission should have been to the Peshwa who was the real ruler, and not to Sáhu. Both embassies were favourably received, and the right of free trade in the Maratha dominions confirmed.

But our space is drawing to a close, and we have not dealt with half the passages that we had selected for quotation. We must leave untouched the stirring scenes of the first and second Maratha wars, the history of the French intrigues under St. Lubin, the hardships of the Company's servants owing to their miserably insufficient salaries, the early attempts at communication with Europe by the overland route, the terrible sufferings of the soldiers and officers of the Bombay army who were taken prisoners by Tipu, the Sultan of Mysore, and the opinion of Lord Wellesley on the uselessness of Aden and Perim as places d'armes. We must, however, give in full, an autograph letter from Colonel Arthur Wellesley, the future Duke of Wellington, describing the battle of Assaye. The letter is given in fac-simile.

*Camp, September 25th, 1803.*

SIR,

I attacked the united armies of Daolat Rao Sindiah and the Rajah of Berar with my division on the 23rd, and the

result of the action which ensued was that they were completely defeated with the loss of 90 pieces of cannon which I have taken. I have suffered a great loss of officers and men. I enclose a copy of my letter to the Governor-General in which I have given him a detailed account of the events which led to and occurred in the action. I have the honour to be, Sir, with great respect, your most obedient and faithful humble servant,

ARTHUR WELLESLEY.

JONATHAN DUNCAN, Esq.

*(Governor of Bombay.)*

Each of the series has an introduction by Mr. Forrest, giving a sketch of the history of the period. It would have been more convenient, especially as the history of the time is well known, if, instead of an introduction, there was a note to each of the papers showing briefly the circumstances under which it was written. The papers in the home series should have been given in chronological order, irrespective of whether they were written at Bombay or Surat. As it is, we first read of the death of Aungier, and then we get the details of what he had done for the last 10 years or so. The expression that "the life of Shiwaji is but a small stream of historic record" is a curious one. Gujarat is incorrectly stated to be in Hindustan. But such slips are exceedingly few in number, and they only serve to point out the wonderful care which characterises the volumes as a whole. The only cause for regret is, that the papers leave off at 1803. We hope that some day Mr. Forrest may be authorized to carry on his researches to a much later date. There can be no longer any political reason for keeping secret the papers that relate to the troublous times of 1857 and 1858; and their publication might throw much light on events and their causes that are still obscure.

EDMUND C. COX.

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## ART. II.—EDUCATION AND HINDUISM IN BENGAL.

THERE is no doubt that Mr. Cotton in his "New India" has struck a deep chord of sympathy among the educated classes of India, especially those of Bengal; and he has stimulated the very sentiments that, in our opinion, needed repression. He argues that these classes are now so advanced and so well furnished intellectually, that they should be given a much greater share of the rule of the country, and that England's task is to do little more than keep the peace. Above all, he pleads for their being allowed to entirely manage their educational affairs; and here, as we shall explain further on, we are in complete accord with him, provided they are compelled to do so at their own expense. As far as we understand Mr. Cotton, he considers the English educated Native, with a few points excepted, a complete success, and he sees nothing wrong in the system that has created him. The Englishman's dislike of him, as compared with his less educated fellow countryman, is imputed to the unworthy feeling of jealousy, as the Englishman has now a rival where he formerly had none. Further, in "New India," we find the system of Caste strongly defended, if not lavishly praised, and we are told that "the admirable order of Hinduism is too valuable to be rashly sacrificed before any Moloch of progress." We will now try and show, that while the educated classes are still in close organic union with Hinduism and continue to represent "its chief attribute of stability," they also represent its persistence in favoring privileged orders of society, and in thus destroying all individuality, and in condemning the masses to a servile condition. We believe that the repugnance of an Englishman to an educated Native is that he is unreal, that he has acquired a lot of knowledge for which he has no proper use, and of which he is inordinately proud, and that he is essentially an aristocrat in exclusiveness and contempt of the lower orders.

Now, the end of education is to enable a man better to use his faculties, and to use them beneficially for himself and for others. And in so doing he will inevitably help to enrich society, and place the life of all its members under more favourable conditions. An education that does not render a man a more useful member of society, has some wrong element in it. Let us then see if the English education now being bestowed on the youth of Bengal has such effects: and we must be excused if we begin at first principles. The education of the whole upper ranks of a nation is of no mean importance, and

it will not, we trust, be out of place to connect it with the nation's moral and economic condition. A class cannot ask to be judged alone, but in relation to its fellow classes.

But before going further, we would here record our emphatic dissent from Mr. Cotton's proposition that : " Better is order without progress, if that were possible, than progress without order." We hold just the opposite ; for order without progress is very possible, and means decline ; and this principle of Mr. Cotton's has vitiated his whole view of our occupation of India. Order is not the object of our being here, it is only the means to an end. But we are here to deliver the people from a most soul-crushing tyranny, under which the human mind and the moral feelings have been almost annihilated. " Were Mr. Cotton's idea of making Native public opinion the practical arbiter of all internal policy to be adopted, it is perfectly certain that the conservatism of Hinduism would commence a retrograde movement all along the line ; and it is as certain, that the true level of Hinduism is no higher now than it was, when it sanctioned Suttee, child murder, and self-immolation, and made cow-killing the next greatest crime after the killing of a Brahman. In fact, we have not really moved the centre of gravity for Hindu thought.

Let us first consider what progress India is making under its present social and educational principles. What has been India's material progress since our coming ? At the close of the Great Napoleonic wars, Great Britain, having a population of 20 millions, had a debt of about 800 millions of pounds. The Civil War of America imposed on the United States a debt of equal magnitude. Yet to neither of these nations did their stupendous debts offer any impediment to their increase in prosperity. On the contrary, to each the period since their indebtedness, has been the chief period of their advance in the arts and sciences, and in the acquisition of material wealth. And it may be safely asserted, that Great Britain could bear a burden of twice the weight as easily now, as she was able to sustain that of 800 millions in 1815. But India, with a population of some 250 millions, is supposed to be taxed to her utmost to support her present indebtedness of 200 millions, and to raise some 50 millions of income. The wealth-producing power of Great Britain and of the United States is certainly wonderful, and this power has been well ascribed to the effect produced by the incessant pursuit of every experimental science, and by the incessant effort of every man to get on in life. And surely the inefficiency of labour, and the poverty of so vast and populous a country as India, is also wonderful ; and the reason may be expressed in some such converse terms, as : There is no pursuit of experimental science, and few efforts

made by individuals to improve their position ? Now, we are often told by public writers, that our administration is an intolerable burden on account of its costliness, and much argument is expended in showing that that this is the chief reason of India's poverty. But if the revenue raised from Opium be deducted, the part which is spent unproductively is most ludicrously small considering the population. The truth then really is, that India's poverty is solely owing to the fearful unproductiveness of labour. It is not that so much wealth is taken out of the country, but that so little is produced within it. The first reply then to the question, why India is so poor, is that she has no capital. But this only provokes another question.

One hundred years ago the United States had no capital, and England comparatively little. Why have they since increased their capital tenfold, nay, the United States, one might say, a hundred fold, while India has remained almost stationary ? The answer now given will perhaps be, that the people of India have no energy. But the mass of them certainly have physical energy, and the peasantry who compose perhaps 9-10ths of the population, are certainly wise and shrewd in their own concerns, and do not differ so very much from the peasantry of prosperous countries in the West. Even in Lower Bengal, where physical energy is supposed to be most lacking, the cultivator will laborously dig up the hardest and stiffest soil, because the plough will not reach deep enough. The causes then which make one country rich and powerful, and leave another poor and weak, assuredly are not of a physical kind, but are rather spiritual, social, and mental. May we not therefore define the chief cause, which makes for riches in the West, as the possession of character, while the absence of it amongst orientals keeps them poor. And character is *individualism*. Thus a man who applies his mind with whatever knowledge it possesses, to all facts coming before him, determines in each case what course he shall take ; and as the facts of life are innumerable, and diverse to each individual, the man who separately compares and discriminates between them, creates for himself a condition of being different from that of others. All such men have character or individualism. Whereas he who treats all facts as his fellows do, and never exercises his discernment with regard to them, is characterless, that is, has no individualism. Probably there is more character in ten ordinary Englishmen, Germans, Frenchmen or Americans than there is to be found among a thousand Natives of India, even those of the so-called educated classes.

Our argument then is this : that for a people to become rich and great, they must have character or individualism : and we have tried to explain what we mean by these terms. Next, we

have asserted that the nations of the West have these qualities, and we could, we think, easily prove that the progress of each one in the arts and sciences, and the accumulation of wealth, is proportionate to its individualism. The citizens of the United States are first in individualism, and they are the richest and most progressive. The British come next. They have been allowed for years to exercise free political, social, and religious opinions, and their characters have been developed accordingly. The people of India are amongst the poorest on the face of the earth, and we find, that in forming opinions, they are like a flock of sheep. They are born under the influence of certain stock ones concerning all the facts of life, and the manifestations of nature; and they die probably never having changed one, or challenged one. If any argument were needed to prove that character or individualism will rapidly produce a rich and thriving community, one that will bring to bear on the forces of nature, all the skill and mechanism that man's intellect had grasped, let us conceive two colonies of emigrants, one from the West and the other from the East, suddenly settled in a rich but uncivilised region. The latter would undoubtedly merely rely on its customary methods and try to live its old life again, while the latter would be ready to turn to the best advantage every feature of the situation. For the Asiatic, there would be, as it were, only one mind (and that fully occupied) to battle with the difficulties and dangers. While with the European, each individual mind would be on the alert, to try and comprehend what nature would allow it to do. But the Eastern mind has not always been thus a slave to custom. The great empires of the east, the Assyrian, the Persian, and those of still older date, were built up by individual genius and effort, not of one man, but of many. The aristocracies of those days had men of character, men who would both think and act, like the present leaders of the Western nations. Nature in its grandeur and simplicity has given man character and capacity to acquire power over its forces. Man himself, in his conceit and littleness, has destroyed that capacity by imposing artificial restraints on the mind. The East is weak and poor because the mind is enslaved, and it wants not more knowledge, but more freedom.

Now, in the light of these reflections, let us consider how Bengal, if not India, is being treated educationally. We have determined that the men who make a nation rich and prosperous are those with individuality, who will, with their thousands of eyes, and thousands of minds, be continually studying the book of nature, and be acting accordingly, advancing here a little and there a little, each step in itself

imperceptible, but all together forming the grand march of progress. A nation of philosophers who could quote all the wisdom that ever has been collected by the human intellect, would be a stationary one, while poor ignorant men, who would watch and observe and act, would in due course be abreast of the vanguard of civilisation. Is not our educational department doing its best to produce a sterile and useless nation of philosophers out of the classes. An educated Native is becoming a by-word for the knowledge that puffeth up and is useless. He is generally less observant of nature and more helpless in the affairs of life than his unlearned brethren and his own forefathers. Many of the latter had character, few of their sons have. Had they this quality, with the stores of knowledge poured out before them, they would be covering the face of India with wealth. Instead of that, they see not with their eyes, nor think with their minds. They crowd the law Courts, where reason and not thought is needed. They can devise means to torture the meaning of legislative Acts, and to make the worse appear the better reason. They struggle for landed rights, and for the unearned increment. They rush into the fray of angry and barren political discussion, but they are nowhere to be found confronting nature, and wresting her secrets from her. They are not historians co-ordinating the social and political facts of the past in order to discover wisdom for the future. Curiously they cannot even write the social and economic account of a district, so little power of observation do they possess. Government is ever proclaiming its anxiety to have such histories, but though many have been written by Englishmen, educated natives never rise to the occasion. Again, they do not produce men of science nor of public philanthropy, for they have no sympathy with the masses: though they will endow schools to teach the young of the classes. Very, very few of them become enlightened landlords, draining marshes, improving water channels, introducing scientific methods of cultivation, and studying the moral and physical condition of their tenantry. Neither do they become capitalists, for they hardly ever invest their savings productively. Indeed, they have no idea of the use of money beyond usury or acquiring landed property for the sake of the influence it brings. The merchants and traders of the country are men with only a vernacular education, and in the new industries, the English educated Native is not to be found. He is not practical enough, and is too averse to the rough and hard life new industries require. Besides, as we have pointed out, he has no character to observe the facts that lead to success. In the Jessore district, where the writer is now,

serving, there is an immense sugar industry, producing lakhs upon lakhs worth of sugar annually. It has enriched the peasantry, and made them a thriving community. All over the district there are sugar factories, and the owners of them, and the dealers who export, are men of capital and substance. But with the competition going on, and owing to the necessity of buying direct from the cultivators, the trade requires hard and active labour, and a knowledge of affairs generally. Now, in this trade, we believe not a single English educated Native is to be found. We asked a Native gentleman the reason of this: and he immediately answered, it was because they did not care to mix with common rough people. Exactly so: they are aristocratic, in the exclusive sense, to the very core. Yet the district literally swarms with educated Native gentlemen. Here is the educational census of one village of 3,000 inhabitants: 4 M. A.s, 23 B. A.s, 7 B. L.s, 6 Licentiates in medicine, 54 undergraduates, and 40 others who can speak English. But all these are either in Government employ or practising law or medicine. In fact, an educated Native in trade, or in any productive business, is almost unknown.

Then turning to religion, we find them Laodicean, for having no character they make no decision. As far as they believe any thing, their religion is a rationalism tinged with idolatry. As the author of "New India" puts it, they read the *Arco-pagitica* with its scathing denunciations of priestcraft and idolatry in college hours, and go home to acquiesce in idolatrous and superstitious rites. Or as an old educationist describes it: "the man who can expound the Newtonian Astronomy, consults his astrologer with the same deference as the most ignorant villager." Can any moral force of character come from such a life? Is the sterility of the Native mind to be wondered at. And yet Mr. Cotton would persuade his readers, that the salvation of India is in the hands of these men, and woe to us if we ignore them. Their leading and influence are a pure fiction. Nearly all the wealth, as well as the commercial and political capacity of the country, are still with those who have had no English education. The latter more or less denationalises a man and renders him a cypher. And, except that he is helping to govern the country, he is doing no good by his education. In no way does he develop its resources; and unless he assumes a different intellectual attitude, he will, as the masses increase in wealth and intelligence, be displaced. He has no vigour or innate vitality, and is essentially parasitic.

But through mistaken policy here in Bengal, the Government has handed over nearly the entire administration to the English educated Hindus, ignoring the claims of classes and races,

who, owing to their possessing character have refused to be crammed. By this process our Government is certainly being weakened, and deprived of the natural masculine strength it might have had ; and it is only the peacefulness and contentment of the masses, that enable us to carry on our rule by means of a weak and emasculated agency. In a recent publication by a Hindu we find the following :—" In Bengal, the " Mahomedans are admittedly inferior in intellectual acquirements, but superior in physical strength, to the Hindus. . . . " If the ægis under which we have been reposing be suddenly " withdrawn, and if a struggle for existence were to take place, " there can be little doubt that the Mahomedans will gain the " ascendancy in Bengal." If such a statement is true, and there is certainly much truth in it, there is something wrong in our present policy. In our opinion, it is mere cant to say that the Mahomedans have lost nearly all Government employ owing to their own obstinacy. It was because they have less supple characters, and cannot be bribed into transforming themselves into mere imitators. Of course, the ruling Mahomedan class that we found in possession had great vices. They had the insolence of conquerors, the intolerance of bigots, and the effeminacy of debauchees. They became corrupt, and unfit to exercise any power. But the genuine reason why they have since been entirely discarded as public servants, was our own supineness. The Hindus rapidly learnt English and made themselves useful ;—and greatly owing to laziness of administration, they were allowed to displace their Mahomedan fellow-subjects. We found nearly the whole administrative work of the country carried on by Mahomedans, and they were especially strong in the legal profession : now they are almost obliterated from public employ except of a menial kind. For instance in Jessore, there are 10 Deputy Collectors and Sub-Deputy Collectors, and 12 Civil Court Judges. *All* are Hindus. Out of 17 Sub-Registrars, 5 only are Mahomedan, though there are special orders favouring their appointment in this department. There are 5 Inspectors and 31 Sub-Inspectors of Police. Out of them all, only 3 sub-Inspectors are Mahomedan. All the educational officers are Hindu. This is a strange contrast to 1793, when (Mr. Westland informs us) out of 19 police officers in this district, only one was a Hindu ; and we may assume that Mahomedans filled most other public offices. But a Civil List, if consulted, will show that both the proportion and the absolute number of Mahomedans in Government employ in Bengal was much greater a few years ago than it is now. And yet undeniably they have, in the interval, more availed themselves of the benefit of English education. For instance in 1873, out of 438 Criminal and Civil Judicial officers, there were 71 Mahomedans—whereas in 1887 there

were only 37 out of 570. So the number has decreased both relatively and absolutely. That is, fifteen years ago they held about 15 per cent. of high civil posts, they now hold about 6 per cent. In the face of this and of the expressed desire of Government to give them employment, it is rather surprising to find that in High English Schools as many as 95 per cent. of the scholars are Mahomedans. So, to say that their refusal of education has been the cause of their rejection, is not true. There are other causes; the chief of which are their strong characters, and their individualism; and they have been pushed aside by the impervious phalanx, and the solidarity of the Hindu classes. Their very strength has been their weakness owing to our overwhelming power being in the balance against them. The Hindu *classes* cling together, and know no divisions except personal ones. They can work as a whole, and their sentiments and opinions cannot clash. Whereas among Mahomedans the individuality of man asserts itself. Thus, the peasantry show a vigorous self-assertiveness. Of course, they have not the rich individualism of the foremost nations of the West; but they evince a power of forming parties and combinations for material ends (witness the Indigo disturbances) that is utterly absent from the Hindus, who have been crushed into one conglomerate mass. Hindus quarrel and split up into small factions, but the line of cleavage only separates small coteries of the same caste. Whereas Mahomedan parties will separate a whole country side. The deduction is obvious. The outlook of Mahomedan society is a general one, whereas that of the Hindu is confined to social circles. The mind of the former is of a democratic type, and is not so cramped by social oppression; while that of the Hindu is essentially aristocratic and narrow. The effect of the greater individualism of the Mahomedans has been that Eastern and Central Bengal is rich and prosperous. The small yeoman farmers with their sub-tenants are not only industrious but are full of enterprise, and display great push and energy in their small undertakings. These qualities are apparent amongst Mahomedans generally, and they come to the front where hard and disagreeable work has to be done. But in all the great lines of trade, where the market has to be studied, and bills of exchange understood, the Hindus, with their greater grasp of principles and better educated minds, are supreme.

There is no doubt that there was no need of education to make the Hindu a good merchant; in fact, as we have said, the trading classes will have nothing to say to English education. For the management of the internal trade of India, he has always been excellent. As communications have been opened out, he has immediately availed himself of them to the full, and so likewise of



the telegraph. As the educated Native is eminently fitted for the directive agency of a civilised Government, so is the Hindu of the old school unrivalled in the distributive departments. But it is when you come to the productive, that both utterly fail. Neither of them ever look nature in the face. They understand artificial man ; but of his innate capacities they are utterly ignorant. Hence, as long as the Hindu element is allowed to preponderate so overwhelmingly, the progress of the country will be retarded. We shall have order it is true, owing to the conservativeness of the Hindu character, but strength and progress will be absent ; and order alone will not arrest the decay and corruption which Hinduism inevitably carries with it. As has been well remarked, though Hinduism has its head reaching up to heaven, its feet are down in the lowest depths of human depravity. Though its philosophy is of the purest, its practices are most unholy. It also consecrates the worst instincts of man, showing him no holiness or righteousness. Islamism, as well as Christianity, makes for righteousness : but the pantheism of Hinduism displays to poor human nature only its own image for it to worship.

Our foregoing remarks should incidentally explain the failure of Christian missionaries to effect any conversions among educated Hindus. The non-conversion of Mahomedans is accepted as not unnatural, because they have already a reasonable montheism, and moreover, they refuse to be educated in the learning of the West. But here is Hinduism, full of the grossest idolatry, and requiring of its votaries often a belief in puerile absurdities ; and yet Hindus, though greedily devouring our literature and science, hardly ever abandon their religion. The reason, as I have explained, is that their minds are not free ; they have absolutely no original thought or individuality ; they do not absorb the knowledge, there is no fusion. If they did, their knowledge would not remain barren. Consequently the educated Hindu no more gives the natural man or conscience a choice of accepting or rejecting Christianity, than does the unlettered Hindu or the ordinary Mahomedan. Whether it is hereditary propensity strengthened by his environment, or whatever is the mysterious cause, the Hindu cannot think outside of his social laws and customs, and they are part of his religion. We must accept the fact that amongst Hindus you cannot get at the individual. In fine, the man himself cannot get at his own individuality, he apparently cannot pass on thought to it. For if he did, it would be bound to result in action ; but as we have seen, knowledge is merely reproduced in the same form as it was taken. Whereas, if it had been acted upon by the alchemy of thought, a new product would have appeared. We cannot give the reason of

this, but it is a fact to be kept in view, and will explain many things.

This solidarity, this imperviousness to thought, this artificial habit of mind are indissolubly connected with Caste. Hindu society is one complex whole, and Caste is the means by which it works. Within it original thought or individualism is impossible, and as without them there can be no progress, no education can tend to progress which has no solvent power on Hindu society. What, then, is our present system? We should describe it as being one by which Government favours as much as possible the education of the Hindu classes *en masse*. As many of them as possible crowd into the district high schools, where young masters, themselves uneducated and untrained, give them a smattering of English and mathematics at very low tuition fees. Besides this smattering of knowledge, the pupils gain nothing. To our mind the outcome would be ridiculous, if it were not painful. The student is of course nondescript, and has only come into existence to be the agent between Hinduism and Western civilization. He is to be in the latter, though not of it. He is to be in strict organic union with Hinduism, but to manipulate methods which are in indirect antagonism to it. That in so far as he is educated he is uninteresting, except as a study, that he is unnatural, and that he is useless except for the above purpose is a matter of course. He must be so, for the knowledge he has acquired is foreign matter, which his being cannot absorb. He is a Hindu to the very innermost fibre, and the knowledge he has crammed, is merely an instrument of trade, and does not affect his character more than the colour of his clothes. Even the best and highest education which the Calcutta University gives does not, as a rule, affect more than the intellect. Everything is looked at in its dry light, and the moral feelings and thoughts are not touched. Consequently Hindu gentlemen, occupying the highest position under the State, are as strictly in union with Hinduism, and as wholly devoid of thoughts which travel beyond, as the most ignorant cultivator or the pettiest trader. The only difference is that the intellect of one is cultivated and stored with knowledge, and of the other is in a natural state of ignorance. *Both equally refuse to examine the facts of the moral and physical world for themselves.*

It is true that the High English Schools are chiefly supported financially by the Natives themselves. But Government by its officers and its patronage gives them most substantial help. It often makes a grant of public money for a building, but above all, its favour induces many rich Natives to subscribe liberally. Therefore very much of the high education is directly due to the assistance of the State. But below the High

Schools are Middle English ones. In these begins the education of the Hindu classes. They are very numerous in each district, and receive aid of one-third of their expenditure from Government. Another one-third is generally received from municipal funds or subscriptions, and the pupils pay only one-third as fees. We consider that for Government to aid these schools and to allow Municipalities to do so, is an act of great injustice. What right at all have the *classes* to be so helped at the public expense? Then there is the primary education grant. Here again the classes, though numerically a small proportion, get the lion's share. They form perhaps 1-20th part of the people, yet even of the primary grant, something like a half is spent on them, if not more. In Jessore, there are 821 patshalas, of which 581 have Hindu and 210 have Mahomedan teachers. The latter earned a fair share of rewards as compared with their Hindu brethren, but while Rs. 8,908 are paid as fixed stipends to Hindu gurus, only Rs. 318 were so paid to Mahomedans. This suggests a discrimination against the Mahomedans. Fixed stipends are much more desired than rewards by the payment-by-result system. But Hindu officers have the sole control of these things, and they naturally select men of good Caste to enjoy the best posts. As I have pointed out, all the educational staff is Hindu.

There were 12 primary scholarships awarded last year in the Jessore district: 9 went to Hindu caste boys, 2 to non-caste boys, 1 to a Mahomedan; and that in a district where 3-5ths of the population are Mussulman. In other districts we are sure the facts are just as bad, for the primary grant is now chiefly disbursed under the payment-by-result system; and naturally under it the children of the quickwitted intellectual classes draw most of the money. The guru who sets up a school in a Mussulman or low-caste village, earns hardly any reward; and *is carefully not given a stipend*, and thus the unexpected result has been, to spend most of the primary grant on Hindu caste boys, and to call this mass education.

Another evil of this monopoly of public office by the Hindus is that it is affecting the tenure of land. It is very difficult to retain a small interest in land, unless the holder can draw wages from service. The latter not only adds pecuniary means: but what is perhaps more important, he is thus secured a patron, if in private service, or given official influence, if in public employ. As of late years the descendants of all the old Mahomedan servants of Government have been denied employment, they have been completely impoverished, and have had to part with their landed property. Then there are the illicit as well as the lawful gains of public servants. All these have been lost to the Mahomedan community.

Then it will be asked, if our system of education is thus destroying, or anyhow, not tending to form character or individualism in the classes, if it turns out young men crammed with unfructifying knowledge, who never contribute in any way to the prosperity of the country, but who, after supplying the administrative machinery of Government and a fairly good professional class, merely live on the masses ; if this is so, what should be done? Our answer is, first determine what you wish education to do. If the object is to enable a large privileged class to monopolise all the directive departments of life, and to keep the nation socially as far as possible in *statu quo*, and to merely introduce the arts and sciences as they are discovered elsewhere, then the present system is an admirable one. Thought and invention are dead, and they will remain so. Except for the scientific discoveries introduced by us, and their mechanical effects, Bengal of to-day differs little from that of Warren Hastings' time. The experimental and inductive sciences of the West, which have created the whole of the present material civilisation, are only exotics : they have found no home, for thought has never been liberated. The classes by their solidarity move all together, or do not move at all ; and the individual mind does not exist.

There is order it is true, and stability : but certainly as regards Native society none of the "Moloch of progress" which Mr. Cotton is so afraid of. In love with order, he therefore champions the cause of Caste, and suggests ruling India through the present caste aristocracy, in direct opposition to the liberalism which proclaims that progress depends on individualism. He thinks the present caste and landlord system are pre-eminently the best social condition India can aspire to. But when he says that Bengal with its permanent settlement is the part of India least liable to famine, he forgets Behar and what poverty, landlordism, and Caste have brought on that province. He forgets also Orissa ; also that Eastern Bengal, where there is least caste, and least landlordism, is the most prosperous part of the Presidency.

In answering the question then, we should say, that till Caste amongst the upper classes is overthrown, and the individual emerges, till new ground is broken, and a new start made, nothing good will be produced. The present system is strictly one worked for a privileged order and is essentially vicious. The caste people want to be educated, but if it were left to private means, the rich and the industrious only would educate their sons, and this is individualism, which is Caste's sworn enemy. So the State has been persuaded into virtually guaranteeing an education to all caste aspirants, and in spite of every precaution, even funds for primary education are

very largely diverted to this use. Henceforth let 'the State rigidly refuse to allow' any money raised by taxation to be devoted to secondary education, with the following exceptions: (1) to establish universities and examining bodies; (2) to grant scholarships in order that talent may be discovered and brought forward. The teaching of slipshod English to the classes *en masse* should be discouraged. If the department worked on these lines, much pecuniary help would be withdrawn from the education of the classes who largely benefit indirectly from State patronage. At present every English-teaching school is visited by Commissioners and Collectors, and laudatory remarks are made in the visitors' book. All this brings grist to the mill, for it helps to induce zemindars and even traders to subscribe heavily. In fact, official pressure is often brought to bear on them to do so. But Government should most carefully abstain from in any way fostering the idea that the support of English schools is a meritorious act. All such aid should be diverted to vernacular ones. The writer was lately much interested by a visit from a fine old Hindu gentleman, who showed him a printed list of his public benefactions, for which he had received the title of Rai Bahadur. It is hardly necessary to say that many of them were to found English schools, though he himself only knew his own vernacular. Some how this is one of the readiest roads to public honours. Let Government make it clearly understood, that it does not esteem so highly the spread of English education, as being rather a useless commodity, and the charitable public will soon find another channel for its favours.

But perhaps one of the greatest causes of the eager pursuit of a superficial English education is the system of officering public departments in the ministerial grades. Though many years ago there was a fair number of Mahomedans in them, they have now been nearly all pushed out. The tendency is for the establishments to grow larger and larger, and they are managed on a kind of family-party system. The Hindu joint family has always a number of members wanting employ, who yet can work without remuneration, if need be, for years. Unpaid Hindu apprentices are therefore always forthcoming, and when vacancies occur they naturally are selected. This, and the solidarity of Hindu society as compared with Mahomedan, much more than any refusal to accept education, has driven the candidate of the latter race out of the field. He is now always an outsider, and even if a Collector appoints him, the Commissioner, on appeal, will rule that his rivals have greater claims. Our great establishments therefore are now nearly entirely Hindu, and do whatever we can, Native methods and ideas prevail in their working: and the most pernicious one, and apiece with the

whole system of Caste is, that pay and responsibility shall have little relation to one another. For instance, the clerk who is a mere copyist, and the one who manages all the records and processes of a Court, are paid on the same scale. In fact, the first, if he copies English, may get a higher salary. Then the number of clerks, those with important and those with mere clerical work, being inextricably mixed up together, is so immense, that all selection by heads of the office is nigh impossible. Consequently, district officers have to put themselves almost completely in the hands of their subordinates. If the departments were braced up, and individual merit allowed to emerge, and duly rewarded by high pay, they could be managed more efficiently on a much smaller staff. But Hindu conservative thought is against any such reforms. It would tend to introduce individualism, and Caste would be in danger.

Let us now recapitulate. India, in the production of wealth, is proceeding very slowly, which is an undeniable fact. There is every reason to believe that the wealth-making power of a nation depends on the individualism of its members. India is essentially Hindu, and the essence of Hinduism is, that the human mind under its influence, cannot exercise itself on facts whether of a physical or moral nature. Original thought is altogether foreign to it. Hence, experimental science or induction is impossible; and since its deductive principles are used up, there can be no progress from within. But there will be no freedom of the individual, till the power of Caste is broken, which power now prevails owing to the force of social customs, and to the great intellectual capacity of the Hindu classes. The only justifiably end of our administration of the country is to increase its wealth by expanding its resources, and by giving the people such liberty of action and thought as is consistent with order. While, therefore, we are debarred from interfering with religion or customs, though they may retard the objects we have in view, we at the same time should be careful we do not unjustly favour and strengthen them. But by educating the Hindu classes more or less out of taxation, we are helping them to maintain their position and to grasp more power. Rather, we should let natural forces disintegrate and weaken them. Also, we are bound by our position to see, that provided the State is not endangered, each section of the community has a fair share of public employment and of the power and influence which flow therefrom. The Hindus are certainly entitled to possess most of the posts under Government, but where by their peculiar social habits, they can monopolise nearly every thing, as they have done in Lower Bengal, it is right and proper that the paramount power should interfere. They have here gained possession of some 9-10ths

or more of all places of emolument, even amongst populations chiefly Mahomedan; and it will be hard to keep their hands off the remaining tenth, unless new principles of distribution are recognised. The pressure brought to bear even on European officers by the Hindu ranks, is so strong and persistent, as to be irresistible. Government has held out no encouragement to resist it, and some will be found to argue that its action has of late distinctly discouraged resistance. The Mahomedans, in spite of being individually much stronger men, have to fight singly. Their Hindu rivals, without any preconceived design, but merely owing to their peculiar social and mental habits, all work together. Hence the former go to the wall; and thus a good and necessary element in the political fabric is falling out, or rather has fallen out. It is good, because it has so much of individualism or character, and it is necessary, because the Mahomedans represent much of the masculine vigour of the country.

High education does not at all tend to free the Hindu mind, therefore the State should not artificially stimulate it. It may be safely assumed that Railways and the Post-office have done more good in this direction than all the high education, and it is to such means, and to the spread of the results of physical science, that the enlightenment of the Natives must be left.

The introduction of Local Self-government is certainly a move in the right direction, but it is to be feared that it will intensify Hindu predominance, and that Government servants will be helpless to oppose it. Many will "hinduize," as being the pleasanter and easier part to play, or because Hinduism has thrown its glamour over them. Hindu society, through the wealth of its leaders, and the keen criticism of its press, has assumed a strong political influence, which undoubtedly affects the policy of Government; and few of its officers can be expected to do otherwise than swim with the stream, when Government finds the current so strong. Curiously every officer of standing seems opposed to the present system of education; and yet for some mysterious reason no change of policy is ever inaugurated. So with regard to the extended employment of Mahomedans: some feeble efforts have been from time to time put forth, but practically they have relaxed before Hindu persistence: and we insist that nothing but the most distinct order, assigning a certain share of public appointments to Mahomedans, will have any effect at all. Till the Hindus know that keeping out one particular Mahomedan, will not bring in one of themselves, Mahomedans will either be prevented from gaining admission, or will find it impossible to work amongst a hostile and intriguing society. Certainly, in districts where

more than half the population is Mahomedan, one-quarter of the appointments should be reserved for them, or say one-eighth : at present it is often one-twentieth.

We cannot close without some general remarks on Hinduism : and we believe that nothing said or done against it in the abstract provokes the least ill-will from its adherents: as praise elicits no gratitude. If one praises or blames Mahomedanism, love or hatred may be earned, for like Christianity, it has its prophets and saints who have adorned its teachings. If you abuse them, accuse them of immorality for instance, you slander the holy religion of Islam, and you are a cursed infidel. But Hinduism is confessedly merely worship of beings in our own likeness, and with similar passions : or, it is pure human philosophy. Intellectually you may argue against it. The Hindu will argue with you and not be offended. You may even laugh at its eccentric monstrosities, for instance a blue baby, with an elephant's head and trunk, in its fond mother's arms, and he will be amused with you : the whole religion is so intensely human, and assumes no righteousness outside of man. It knows no morality except what the intellect teaches, and it glorifies every human passion. You cannot offend such a religion. On the other hand you cannot oppose it except with a divine revelation. The result therefore is, that all Europeans who have ceased to believe in the divine revelation and the righteousness of God, are much drawn to it. It is so rational—it has omniscience for sages ; and it is so liberal—it is friendly towards all other religions. Its philosophy is so captivating,—it has its head in the heavens ; it is so accommodating to human vice,—its feet go down to hell. Hinduism here in India is all around us, it is in the air, and the only protection against its insidiousness and attractive teaching, is monetheism or strong race instincts exciting prejudices against it. There is certainly much Hinduism amongst the Mahomedans, where their zeal has yielded to the seduction of the pantheism and the nature worship, which the Hindus display around them. In our opinion all such decline is injurious to the welfare of the State, as the Mahomedan element is a valuable one, and its secession to Hinduism in any degree is to be regretted. The fewness of intellectual leaders is one cause of the decay of the Mahomedan religion, and this has been greatly brought about by the denial of State patronage. Every Mahomedan Government official is more or less a religious teacher from his high social position. Our policy, therefore, of giving all public offices to the Hindus, has helped on the decline of the Mahomedan religion. Some years ago this might have been considered a good and necessary policy : but now, with other dangers a head, that policy should be reversed. Such a change would not only raise Mahomedanism,



but it would help to protect Bengal from the rising flood of Hinduism which threatens our administration. It must be remembered that there is an order of decay, as well as are order of growth and progress. The order of Hinduism is essentially of the first kind, and just as decay steals imperceptibly over the living organism, so does Hinduism work in destroying human energy. There cannot be energizing power in it, but only a deadening one. As surely as we allow Hinduism to assume the control, so surely are we arresting progress and forsaking our mission in India. The educated classes are as Hindu, that is, as opposed to all freedom of the human mind and to all progress, as their forefathers, who though they knew no English had equally well cultivated intellects. The unorthodox amongst them are merely eccentric, very often owing to personal immorality, and by an irresistible attraction, they or their children must return to the Hindu orbit. Let us not, therefore, for one moment imagine that the time is drawing nigh, when we can hand over all rule and government to these educated classes. We must, in face of their keen criticism, lay aside more completely acts of selfishness and jobbery. They can assist us, and we can learn much on their counsel: but the day that we cease to control the internal policy of the country, and the Hindu classes assume the role of masters, that day will begin the era of New India's rapid decline.

F. H. BARROW, C. S.

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*P. S.*—The above was written long before the Madras College disturbances, and that occurrence strengthens our argument, that the educated Hindu is as strong in his religious belief as the uneducated one. This, of course, reflects no discredit on him. It however explains his intellectual and moral attitude, and shatters the hopes of educationists and Missionaries, who think that Hindus can be educated out of their religion. In fact, it is very questionable, whether eclectic Hinduism is not rather imbibed by teachers who are not active Missionaries, than Christianity is by the taught. We need hardly add that proselytism, especially amongst the young, is the surest way of damaging the cause of Christianity: and we much doubt if teaching secular knowledge, with the avowed object of influencing the scholars towards Christianity, can be defended.

*May 1888.*

### ART. III.—ON THE STUDY OF INDIAN HISTORY.

**I**T is well-known that history is a theme which was almost entirely neglected by the ancient Hindus. Why this was so I have never been able fully to understand. It is to me a still unsolved problem. The explanations of the fact which have been attempted by Lassen and others, all appear to be inadequate.

It has been said—happy is the country which has no annals. But I fear it cannot be maintained that it was the happy lives led by the Indians of old which prevented them from having works on history. The statements of foreign writers, and the allusions in Sanscrit poetry, &c., prove that India has always had its full share of wars and catastrophes, whether natural or artificial. We know that there was great fighting between the Aryan invaders from the North-West and the aborigines of India; that the campaigns of Alexander and his successors inflicted many calamities on the country; that Buddhism was not put down without violence, and that the wars between the Sivaïtes and the Vishnavites, and between the Hindus and the Mahomedans, were long and bloody. There was then ample scope for historical narrative, and the question recurs—Why was there no Hindu historian? Why have we no Indian writer who can be put into comparison with Herodotus and Thucydides, Livy and Tacitus? We have in the Ramayan and Mahabharat the analogues of the Homeric poems, and we have in Kalidās and others, poets resembling in some measure the Greek dramatists, but of historical writings we have scarcely any. The only known exceptions to this general dearth are two works coming from opposite ends of India,—the Mahavanso of Ceylon, and the Rajatarangini of Kashmir. These two, also, are hardly entitled to be called works of history, for they are full of fables. The Rajatarangini for instance assigns a lifetime of three hundred years to one of the comparatively modern kings of Kashmir! The Mahavanso is described by Lassen as being the more valuable work of the two, and it was written by a Buddhist, and one who was not an inhabitant of the continent of India. The Rajatarangini appears to have been written by a Brahman, and is the only historical work which we owe to that great caste. The two books, also, are relatively modern, for they were written many centuries after Herodotus and Thucydides had composed their histories. They both belong to a period after the birth of Christ, the Mahavanso belonging to the 3rd or 4th century,

and the Rajatarangini to so late a period as the 12th century, that is, long after the Mahomedan conquest.

It will not be readily admitted that the absence of Hindu histories was due to a want of intellect or of civilization in the people of India, and I do not think that this can be the true explanation. The men who composed epic poems and philosophies, and who drew up the code of Manu, were fully competent, so far as intellect went, to write historical annals. Neither do I think that the want can be due to the indifference of Hindu kings to posthumous fame. The great works which they executed show that this was not the case. They dug vast reservoirs, erected towers of victory, and recorded inscriptions. The simplest explanation and perhaps the truest is, that there were histories, but that they have been lost. We know that manuscripts are peculiarly exposed to dangers in India; wars, revolutions, floods, fires have been preeminently destructive there, and I suppose that there is no country where white ants and other insects are so destructive.

The author of the *Tabakât Nasiri*, who is one of our earliest Mahomedan historians, tells a grim story which may account in some measure for the loss of Indian annals. When Bihar, the old capital apparently of the Hindu kingdom of Magadha, was stormed by Bakhtiar Khilji at the end of the 12th century, it was chiefly inhabited by brahmans, and a great number of books were found among the plunder. After the victory, the conquerors sent for Hindus to explain these books, but it was too late, all the Hindus had already been put to the sword. What became of the books we are not told, but it is not likely that they would be preserved.

After all, it is only a very few of the histories written by Greeks or Romans which have been preserved. We have not the histories of Hecateus and others, we have only, alas, a few extracts from the work of Megasthenes the ambassador at Palibothra or Patna, and we have hardly any of the great number of histories referred to by Livy in the preface to his book. Livy begins his work by referring to those new writers who are continually coming forward with compositions, in the idea that they will be able to surpass their predecessors either in style, or the greater certainty of their facts, and says, that if in so great a crowd of writers—*tanta scriptorum turba*—his own fame remain obscure, he can console himself with the splendour of those who have overshadowed him. This crowd of writers no longer exists. What has become of them? What, too, has become of much of Livy's own history, of those lost decades over which scholars have so much grieved. They have long ago sunk beneath the waves of time. It is only the writings of one or two of the historians of Greece or Rome which

have been preserved—a distinction which they probably owed to their almost infinite superiority to other writers. Nothing, perhaps, strikes one more in reading modern histories of Greece or Rome, than the paucity of their materials. If one has read Thucydides, he finds that Grote or Thirlwall has scarcely anything to tell him that is new about the Peloponnesian war, and the history of several of the Roman Emperors is little more than an abstract of Tacitus.

In several cases it has only been by some happy accident that valuable Greek or Roman books have been preserved. Many of Aristotle's works were saved to posterity by their having been buried under ground for about a century and a half at Skepsis in Asia Minor. It was only in 1816 that Niebuhr discovered, in the library of the cathedral chapter at Verona, the M.S. of the Institutes of Gaius, which have thrown so much light on the history of Roman law. In that case the manuscript had been preserved owing to its having been twice covered with other writings. The Institutes were the lowest layer; over this there was another writing, and finally over this second writing or palimpsest, there was a work by St. Jerome.

If some such happy chance had occurred in India, or if there had been a Niebuhr and a Savigny there, we might have recovered some long lost book of Indian history. Possibly the happy chance is still available, and the researches of inquirers like Dr. Mitra, or Babu Sarat Chandra Das may yet be rewarded, and the words of the poet verified :

“The many fail, the one succeeds.”

I am not sanguine of this, however, and I admit that it may be said with truth, that all the disasters I have enumerated have not prevented the preservation of numerous Indian works on religion and philosophy and belles lettres, and that we should expect them also not to have prevented the preservation of some historical works. This remark cannot be gainsaid, so that the explanation which I have offered of the want of historical books, only pushes the difficulty one step backward. We cannot doubt, I think, that if the old Hindus had written as many histories as they have written philosophies, and if the histories had been well written and appreciated, some would have survived. We cannot, therefore, acquit the old Hindus of negligence in this matter. Either histories were not written, or they were of little worth, and little prized. We must, I think, hold, that Hindu India was unable to produce a Herodotus or a Thucydides, a Livy or a Tacitus, or even an Abul Fazl and a Nizamuddin.

This subject has been discussed by Lassen with his usual learning and good sense. He points out that a philosophical history could not be expected from the brahmins, and that

they were indifferent to the actions of earthly kings. To the brahmans, he says, the history of the gods was much more important than that of human beings. This led them to regard the wonderful and unreal as real and natural, and so darkened the distinction between them, as to weaken their feeling for historical truth. Hence it is, I suppose, that though we have immense compositions like the *Harivansa* or the *Vishnu Purana*, we have no historical works. The *Harivansa* has been translated into French by M. Langlois. I have tried to read the two large quartos, but I have not been able to find a fact or an idea of value in them. Another reason given by Lassen for the want of Indian histories, is the institution of caste. He points out that this prevented the composition of any universal or national history. There could be no consciousness, he says, of fatherland among the Indian Aryans, because to every caste, the caste took the place of fatherland.

That this had to do with the want of histories among the Hindoos may, I think, be inferred from the fact, that so soon as a religion arose which did not recognise caste, for example, the Buddhist religion, histories began to be written. Thus, then, we have the institution of caste responsible for at least one great evil,—the want of a national spirit.

I know that it is fashionable now-a-days to eulogise caste, and my friend Mr. Cotton has, in his deservedly popular work "*New India*," quoted a long extract from Comte to show the advantages of the system. But Comte is by no means a thorough admirer of caste. On the contrary, he goes on to say immediately after the passage I have referred to, "Notwithstanding all these qualities, the theocratic system could not but be hostile to progress through its excessive stability, which stiffened into an obstinate immovableness when new expansions required a change of social classification. The supreme class appropriated all its immense resources of every kind to the preservation of its almost absolute dominion, after it had lost, by long enjoyment of power, the chief stimulus to its own progression. At first sight, the political system looks well, in its aspect of a reign of mind; though it was rather a reign of fear, resting, as it did, on the use of superstitious terrors, and the spells offered by the possession of the earliest physical knowledge; but we must frankly admit on consideration, that the political rule of intelligence is hostile to human progression." However, it is hardly necessary to denounce caste, or to make invidious remarks about it, for I think that all must admit that the system, whether it is good or evil, is doomed to extinction, and that in spite of all the efforts of reactionists it is much more decayed in 1888 than it was fifty or even twenty years ago.

The deficiency of India in historical literature having perforce

to be acknowledged, attempts have been made to minimise the disaster. This is always the way in controversy, or when a fact proves disagreeable. First, the fact is denied, and then when this can no longer be done, recourse is had to what lawyers call—a plea in confession and avoidance. That is, the fact is admitted, but with the addition of the words “and it don’t signify.” Professor Max Müller has somewhere taken up this view, and maintained that Indian writers were employed on far higher themes than the composition of chronicles, and that the world has not lost anything by the absence of such records. Now I cannot think that this kind of defence does any good. It is far better for nations, as well as individuals, to make a clean breast of it when they have committed a blunder or an omission.

“Nations,” says John Stuart Mill, “like individuals, ought to suspect some fault in themselves when they find they are generally worse thought of than they think they deserve; and they may well know that they are somehow in fault, when almost every body but themselves thinks them deficient in some respect.”

Max Müller’s defence reminds one of another possibly well meant, but I think very foolish, attempt of a writer in the *Amrita Basar Patrika*, to make out that it was the greatness of the Indian intellect which led to the ancient Rishis and others neglecting psychology and physical science, and concentrating their attention on such high and transcendental problems as those of ontology and the origin of evil. The writer spoke of those great men as regarding mere mundane sciences as child’s play. As if it was not precisely in the infancy of human intellect and knowledge, that great and insoluble problems are attempted to be grappled with! It is only after long and painful endeavours that men come, like the elder Mill, to the conclusion, that nothing can be known about the origin of things, and take to positive philosophy.

Some one speaking disparagingly of historical facts has asked, why should a list of kings and queens be more interesting or instructive than a list of the winners of the Derby or of some other horse race.

I think that the answer to this is a very simple one, namely, that we are men and not horses. We don’t, the most of us, that is to say, find any interest in a Turf chronicle, because it tells us little or nothing that we want to know. But in a country which was ruled by horses, in Swift’s country of the Houyhnhnms in short, one could conceive a list of Derby winners being greatly prized, and of important deductions being drawn from it by philosophic horses. I do not admire at all what has been called a drum-and-trumpet history; that

is, a record of the doings of kings and accounts of battles, but I cannot overlook the fact that most valuable information is often to be drawn from mere lists of kings. In itself the record may be little worth, but antiquarians and philologists can make the dead bones live, and draw many valuable conclusions from the baldest chronicle. Who, for instance, can fail to have a thrill of pleasurable excitement at hearing that the names of Greek kings occur in the inscriptions of Asoka?

It is the information which they incidentally give, that makes inscriptions and coins invaluable, and it is therefore with great pleasure that one sees so many strenuous efforts being made to collect and decipher ancient inscriptions, &c. Much yet remains to be done in this field, and it is a work in which almost every one can help. Every district of Bengal has some monument or other, and there must be many where sasanums, or copper-plate inscriptions, are found on digging tanks, &c.

It has been said that the great object of science is to give the power of prediction—what man seeks from science is the gift of foresight. He knows that forewarned is forearmed, and he believes that history, *i.e.*, the account of the development of his race, and of the phases through which it has passed, will give him the power of prevision, by enabling him to conjecture at least what the future will be, and what steps he should take to avoid evil and find good. Unless history can give him this, its importance is gone. It will not lose its interest, for we are men, and everything that relates to men stirs our blood and re-awakens in us the primal sympathies. We cannot, for example, help being interested in such questions as those of the guilt of Mary Queen of Scots, the truth of the story of the Wigtown Martyrs, the fate of Sultan Sujah and his family, or the end of Nana Sahib, though we know that their solution will not help us in the conduct of our lives.

But still, unless history enable us to foretell the future, it will cease to be a practically useful study.

In all times men have most desired to know the future, and it is a natural and healthy craving. Formerly, he hoped to succeed by studying the stars, or the entrails of animals, or by consulting wizards and witches. Now that those resources have failed him, and now that he has almost ceased to expect a divine revelation, he turns to the study of the past, and hopes to find the secret there. History is the great means for prosecuting the study of what Mill calls *Ethology*, *i.e.*, the science of character.

Wordsworth has told us that the child is father to the man, but the child is himself the heir of all the ages, and we cannot adequately know him or the man into whom he develops, unless we carry the study further back, and discover what were

the characteristics of his remote ancestors. So also with a nation. We cannot know the character of a nation, understand its capabilities, or conjecture its future course, unless we dive into its history. Take, for example, the Bengali. We cannot really know him, unless, in addition to studying him as he now is, we inquire into how he came to be what he now is. What races is he composed of, what part has he played in former centuries? There is a great stir now-a-days about nationality. We have national congresses, and national songs. It seems to me, however, that nothing really solid can be effected in this way until the Bengali and the other races of India, make a profound study of their past.

Macaulay quotes with emphatic approval the saying of Swift, that "it is an uncontrolled truth, that no man ever made an ill figure who understood his own talents, nor a good one, who mistook them." And I think that what is true of individuals must also be true of nations. Nations must know what part they are fitted to play in the history of the world, if they are to do anything great. It may be that it is somewhat late in the day for the establishment of nationalities. It may be that there is a nobler aspiration than that of exalting one race or one province of the world. Patriotism is after all a somewhat rudimentary virtue and often gives harmful results. Who, for instance, cannot but regret that Shakespeare, the myriad-minded man, should have been led by patriotic prejudices into the mistake of besmirching the fair fame of Joan of Arc?

Patriotism may lead to the result deplored by the poet when

"Envy wears the mask of Love, and laughing sober fact to scorn,  
Cries to Weakest as to Strongest, 'Ye are equals, equal born.'"

Such matters, however, are too high for us, and far be it from me to blame those who are striving to unify the peoples of India. I would only, in all friendliness, counsel them to study the past history of their country, in order that they may direct their efforts the better, and may know what India is likely to become. Much time has been lost. Many valuable records have disappeared, but there is still opportunity for doing much. I rejoice to think that the lamp of research, which was lighted more than a hundred years ago by Sir William Jones, is still burning, and that his Asiatic Society continues to do good work. One of Sir William Jones' greatest achievements was the discovery of the identity of the Sandracottus or Sandrakoptus of the Greeks, with the Chandrgupta of the Indians. This was, indeed, a welcome nugget. It was almost like the discovery of the identity between Sanskrit and Greek and Latin, which the philosopher Hegel described as resembling Columbus's discovery of the New World. Sir William Jones must have felt on the occasion something of



the joy which Keats describes as felt by the astronomer when a new planet swims into his ken.

Among Sir William Jones's followers none have done more for Indian history than the late Professor Blochmann, whose lamented and premature death has left such a gap in the small band of historical students. It is pleasant to be able to record that the natives of India no longer neglect the study of history. The venerable Dr. Rajendra Lala Mitra has devoted a lifetime to historical and philological inquiries, and it was another Bengali, Babu Rajkrishna Mukarjya, who discovered that the Luchman Sen era is still current in Tirhut. One of our most promising native students of history is Babu Rajanikantha Gupta. He has shown a critical faculty, and much industry in his history of the sepoy mutiny. I cannot say that I can adopt all his views. I think that he is often unjust to the English, but I dare say that he has been led to this by a natural recoil from the optimism and verbosity of Sir John Kaye. Other inquirers are in the field, and we may fairly hope that they will some day soon obtain valuable results.

The great thing we want now is the collection of materials. It is not time yet for a great historical work. Fine writing, and decided views, are as yet out of place in dealing with Indian history. It has been said that railways cannot be made to pay unless feeders, *i. e.*, roads are made in connection with them. Similarly we may say, that general histories of India cannot be satisfactorily made, until we have many local histories, and many monographs on isolated points.

Let all who can take part in this honourable work of collection of materials, and indeed, every one of us can add his stone to the cairn. Those who cannot make researches themselves, can, at least, smooth the path for those who can. All, for example, could help in removing the stigma which Calcutta lies under from it—the third city in the British Empire, and the undoubted capital of India not possessing a public library. We have, indeed, the so-called Calcutta Public Library. It possesses a noble building, or at least half of a noble building, and it has many valuable historical books, but they are not catalogued, and are fast falling into decay.\*

H. BEVERIDGE.

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\* Professor Blochmann, in his valuable article in this Review on the death of the Emperor Jahangir, regrets that he has not been able to find the travels of the Holstein ambassadors by Olcarius. He says the book is in the catalogue of the Public Library, but like many other books, it is not to be found. The book, however, is still in the Library, and may be seen by any one who will grope sufficiently for it. This incident shows how much the books want re-arranging.

#### ART. IV.—THE MAKING OF INDIA.

*Aut reditor nobis Aurora diemque reducit.*—Virgil.

THE project of submitting the entire administration of British India to a national scrutiny has commended itself to two Governments which were hardly at one upon any other subject. Nor can it be said that such an inquest, if it were only conducted on the spot with due judgment, would be at all premature. In the old days the Company's Charter came up for renewal every twenty years ; and before it was renewed there was always such enquiry as the machinery of the time permitted. Now that the close and constant inspection of experts like the Court of Directors has been replaced by the almost nominal assessorship of the India Office Council ; now that the Secretary of State has held almost unlimited control for nearly a whole generation, it is surely time that a fresh review took place, and that it were one of the most searching and impartial kind. It is desirable, moreover, that one of the chief issues to be framed for that review should be this—

What is the object which justifies the retention of an Empire so onerous to one people, so humiliating to the other ; has that object been put in course of attainment ; and, after it has been attained, what will be England's next duty ?

England's possession of India has, doubtless, added greatly to the welfare of the present generation of Indians, at the same time that it has enhanced our own natural prestige, and that accumulated egotism which is called national glory.

The little Celtiberian island in the North Sea, which was first made a nation by the invasion and settlement of colonists from the banks of the Elbe and the Seine, has become in her turn a fruitful mother of nations. Among all her doings in this kind, none has been so wonderful as this, that she should have made a nation in the vast Asian Peninsula. And as in all great actions, the law must ultimately be *Sic vos non vobis*. There is no permanent advantage to be obtained by Britain from the maintenance of British power in India. The climate is hostile to the healthy labour of Englishmen. They cannot work in her fields, now parched by torrid blasts, now sunk in poisonous damps. They cannot breed in India, they can hardly maintain their moral and intellectual life for their own generation. Her tribute is but fairy money to Britain, her markets are of no more value than would be those of treaty ports such as we have in China, provided only that there were

a settled Government behind them. Yet Englishmen have been employed in India for service to God and man. As Augustus found Rome brick and left it marble, so Britain has found India anarchy and must leave it order. The object is a grand object, and the way of its attainment is pointed out by history.

The first step in the creation of a united Indian people was taken by the Great Turkman Emperor Akbar. But it was the misfortune of that extraordinary man that he was far in advance of the institutions of his time. His greatest contemporary, Queen Elizabeth, undertook a similar work in Europe, and made the same mistake as he. Both these great sovereigns overrated the power of an individual to mould the destinies of a country : and each outlived the movement and died amidst a considerable group of depressing surroundings. Nevertheless, the English ruler's system was more successful than that of her Eastern brother. The old Parliamentary institutions of the Plantagenets, though weakened by the arbitrary action of Elizabeth, were still alive : they recovered under the Stuarts ; Cromwell, though avowedly an imitator of Elizabeth, and passing his short term of power in constant quarrels with his subjects and their representatives, could not quench the spirit of freedom : and the subsequent expulsion of James II. and, later, the Act of Settlement, completely abolished every serious obstacle to political progress. With India the difference was entire. Akbar's son, Jahangir, neglected the reforms of his father, and there was no organised force to keep them in operation. With Shahjahan and Aurangzeb, or Alamgir I—as he is styled by native historians—centralisation went on, crushing all free thought and action, and substituting a weight of cold administrative machinery which ended in the opposite process to national integration. It was not England that destroyed the Mughol Empire, but its own inherent infirmity.

## I.

The dawn of British influence rose upon an India that was still under the apparent power of this Turko-Persian dynasty. The men who had given their name to that power, had been originally a race of blond foreigners from Central Asia, uniting the strong sap of the Tartars to the relatively high civilisation of mediæval Iran. In the beginning of the eighteenth century, a soldier statesman of the house passed away, leaving his power menaced, indeed, and mined, but still standing. Alamgir, the Emperor of Hindustan and Conqueror of the Deccan, at his death in 1707, left a territory of twenty sub-kingdoms, or satrapies, an army of vast numbers, a yearly revenue of something like thirty millions of pounds sterling.

His son and successor, Bahádur Sháh, was a prudent, experienced, and virtuous veteran, not unequal to the great charge. But, such had been the great duration of his father's life and reign, Bahádur could not live long enough to relieve the empire from all the dangers to which it was exposed, or to form a system of permanent administration. After a short interval of misgovernment and civil war, the throne devolved upon a frivolous debauchee, entitled by ironical courtesy, *Farokh Siyar* ("Noble-Ways"). This was in 1713, at which time the eastern provinces were in the charge of a Lieutenant-Governor, or Náwab, named Jáfar, the son of a convert from Hinduism, who bore the title of Murshid Kuli Khán. The character of this official was harsh, and his administration was oppressive. Among those who suffered were some foreign traders; white men who died fast, but were periodically recruited from ships which came from a far country; and who, by connivance and purchased indulgence, had succeeded in establishing factories in the swampy delta of the Hughli, about one hundred miles above the mouth of that river. They were the servants of the Company formed in London for the purpose of trading in the East. In its then state the Company had existed for about twenty years; and its business consisted in sending out bullion, lead, quicksilver, woollens, hardware and other European products, receiving in return diamonds, porcelain, muslins, calicoes, silks, and the various vegetable delicacies of the East, tea, and drugs and spices. For the purposes of this trade, the Company had obtained in England a monopoly by royal charter; they had established factories on, or near the sea-coast at various points, and one of these was in the situation just indicated, where the great city of Calcutta now stands: Job Charnock having first chosen the site in 1686. In 1700 three villages lying contiguous had been granted to the Company by Alamgir—who thus became the founder of the Presidency of Bengal and of all which followed. By the time of the Emperor Noble-Ways, Calcutta had already become a place of some importance, and the Governor Jáfar—otherwise Nawáb Murshid Kuli Khán—had found his account in squeezing and plundering the factory there. Alarmed for their "investments" and for the favour of the Court of Directors at home, whose dividends were dependent upon them, the factory officials took the resolution of applying to the fountain-head. They approached the Durbar of the Emperor with a request to be permitted to send presents to the foot of the throne, accompanied by a petition of appeal against Jáfar's proceedings. The prayer being granted, in due course the Mission set out; it consisted of two civilians and a Surgeon named Hamilton, who reached Dehli on the 8th May 1715, O. S. Hospitality to

strangers was a tradition of the Imperial House ; and the three English gentlemen were kindly received.

The Prime-Minister of the Empire was one of the two king-making brothers of those days known to history as the Bārha Saiyids. His relations to the Lieutenant-Governor of the Eastern Districts can only be guessed by his conduct ; it is certain that the Calcutta Mission found a constant opposition to their projects ; however kindly they might be treated at the levées of the Emperor, their web, like Penelope's, was all to weave again next day. What was to be done ? The time was wearing away ; the investments were dwindling ; the poor gentlemen were almost at their wits end.

But the revolving day was bringing of its own accord what they had well-nigh ceased to pray for. As a result of a successful inroad into Rājputāna, the Saiyids had obtained a daughter of one of the great houses of the Hindus, Ajit Singh, Rāja of Jodhpur, as a bride for the Emperor. The young Princess was duly brought to Delhi, but an unforeseen obstacle arose : the Emperor's health proved to be in such a condition that the nuptial rites could not be consummated. The Minister was in despair : he had formidable rivals : his brother was away in the south : every thing seemed to depend upon the Rajput alliance, which would be dissolved in a moment if Ajit Singh's daughter was to be dismissed unwedded.

Delhi's difficulty was Calcutta's opportunity. Hamilton undertook the Emperor's case ; and soon effected a complete cure. The marriage was celebrated with due splendour, and the Minister's gratitude knew no bounds. But with a self-sacrifice and public spirit worthy of his calling, the Scottish Surgeon waived all question of fee to himself. Pressed to name his reward, he said, that if the prayer of the Mission were granted, he would consider that he had an ample recompense. An oral acquiescence was easily obtained, though with the procrastination and venality that always characterise Turkish administrators, the Durbar interposed many a weary month before the ratification in writing. War broke out with the Sikhs ; the Emperor moved towards the Punjab with a cumbrous expedition, and the English envoys were fain to follow him. Still the patent was not signed : no less than two years of time and unknown sums of money were lost in fruitless solicitations. At last a British squadron appeared off the coast of Gujarāt ; and its appearance gave the necessary stimulus to the proceedings. The patent was signed in 1717 ; and the envoys departed in gladness for Calcutta, bearing with them an order under the sign-manual, for the free passage of their merchandise, and the possession of both banks of

the river Hooghly for five miles on either side of the factory. Science and sea-force were the joint founders of the Empire of Britain in Eastern Asia.

Armed with this patent, during the next forty years the British in Calcutta had to make such terms as they could with the local authorities in Bengal. The Empire of Hindustan had but little vitality at the heart, still less at the extremities. It went on slowly languishing, and lost member after member under the combined influences of provincial defection and foreign violence. The Persians and Afghans wasted the northern territories, the southern provinces became practically independent; the regions about the metropolis were full of civil war; and the beautiful marble palace itself was reddened with Royal blood. In such an anarchy the Lieutenantcy of Bengal became a hereditary principality under a Turkman soldier of fortune, Allah Wirdi, who slew the last Imperial Governor, about 1745, and established a quasi-independent dynasty at Murshidābād.

In 1757 Surāj-ud-daola, grandson of Allah Wirdi, being routed by Clive at the Battle of Plassey, was put to death by his own General, Mir Jāfar. That officer was recognised as Prince in Bengal, and a new political situation arose in Calcutta. It was seven years before that situation was fully developed; in the eighth year the East India Company obtained its second and last Imperial firmān, though their nominee still held state at Murshidābād.

The Emperor of that day was a fugitive, driven from Dehli by the conduct of the Mughal Minister Ghāzi-ud-din, who had murdered his father, the last occupant of the Imperial throne. Driven to take refuge with the Viceroy of Oudh, who was titular Vazir of the Empire, the fallen Prince was in the Oudh camp when the Viceroy was defeated by Major Monro at the decisive battle of Buxar (23rd October 1764). Next day the wandering Emperor passed over to the British camp, and negotiations ensued which ended, some nine months after, in the issue of a patent whereby the Company obtained at last a legitimate political position. Their representatives in Calcutta were recognised by that instrument as fiscal administrators of the Eastern Provinces, with the farther grant of the Ghāzipur and Benares districts as fiefs of the Empire. On their part they agreed to pay the Emperor a "yearly offering" which raised his income to the nominal value of one million of our money. Mir Jāfar was to continue in charge of the branch of Government, which may be best described as the judicial and police administration. The Emperor, for the present established his faded court at Allahabad.

The date of this settlement is 12th August 1765, and from

that day began the political history of the Anglo-Indian Empire. It must, however, be understood that there was henceforward no exact moment at which it could be said that a new position was perceived or a new departure deliberately taken. For nearly two years more the work of the Company continued to be principally commercial; and the labours of its European servants, down to at least 1774, were mainly confined to the extension of the Company's commerce and the not less urgent business of aggrandising themselves. Clive and Vansittart, the first Governors of Bengal, founded noble families in England; fearful scandals and convulsions marked the ambitious and unscrupulous efforts of the Anglo-Indian officials; the administration was neglected or prostituted, and it was not till the Home Government appeared upon the scene, that the beginning of better things became possible. In 1773, the Presidency of Bengal was made supreme, by virtue of an Act passed by the British Parliament; a Council arrived in the following year from England to assist the Governor-General; and towards the end of the year 1774, the ablest of Anglo-Indian statesmen became responsible to his country for the welfare, not only of the mercantile business of the Company, but of the long suffering indigenous population.

Warren Hastings was well acquainted with the wants of the country. Even before his appointment as Governor-General-in-Council under the Act of 1773, he had begun a system of reform which had procured him bitter animosity alike among the Anglo-Indian officials and among the Native magnates who played into their hands.

It is well known what course the new Government first took. Inspired by one of the ablest of the subordinate Civilians, Mr. John Shore, afterwards Lord Teignmouth, and led by Junius of the biting pen, the Council thwarted Hastings in all his measures. But Calcutta at once became the seat of administration, the fountain of honour, the focus of intrigue. The leading Native statesmen were Muhamad Razakhán and Máharája Nand Kumár. The former was soon hopelessly set aside, and there was no one to take his part: the latter made a stronger fight and met with a still darker doom. The popular view is that Hastings did him to death in spite of the Council, by the instrumentality of the Chief Justice of the new Supreme Court, and in defiance of law and justice. Before adopting that unwelcome and humiliating conclusion it would be well to weigh the following facts:—

Anterior to the Supreme Court (before which the trial ultimately occurred) there had been a Municipal tribunal in Calcutta, known as "The Mayor's Court;" and the documents, for the forgery of which the Máharája was sentenced by the

Supreme Court, had been already impugned in a civil action and transferred to the keeping of that tribunal! In March 1774, the plaintiffs' attorney in the original suit had applied to the Mayor's Court to have these papers delivered to him for the presumed purpose of making them the subject of a criminal indictment. The application was not granted at the time. Presently, the Mayor's Court was abolished; the new Judges arrived from England in October of the same year (1774), and the same application was successfully renewed to them immediately after the Christmas holidays, 25th January 1775. The papers were delivered in April.

Between these two dates Nand Kumār had sent into the Council (in which the majority was known to be hostile to Hastings) formal charges of corruption. The majority, in Hastings' absence, called upon him to refund a sum of money that he appeared to have received contrary to the existing regulation. Hastings refused. On the 6th of May, Nand Kumār was committed for trial by two of the judges, Hyde and Lemaistre, acting as Magistrates. No evidence has ever been recorded to show that these proceedings were undertaken on the instigation of Hastings. In due course the case came before the grand jury who found a true bill, and Nand Kumār came up for trial before a full bench of the four judges and an ordinary jury. With regard to the conduct of the trial, it is to be observed that Sir James Stephen, an English judge, with the advantage of a long Indian experience, declares that the Chief Justice shewed favour to the prisoner, and that the trial was eminently fair and impartial. The jury—many of whose proposed members had been successfully challenged on behalf of the accused—brought in a verdict of guilty; and Nand Kumār, as all men know, was hanged. The sentence of death was not unprecedented in Calcutta; but as to whether it ought to have been carried out, there will probably be two opinions. If Hastings did not know, or believe, that Nand Kumār was innocent, he was not bound to interfere. But as to the conduct of those actually in power, conflicting views, it may be assumed, will always be held. Undoubtedly the Mīharāja was the first person who had been so executed in India; but then some one must have been the first if that was the law. That it was the law, was the opinion of at least three of the bench of four judges. If it be still contended that the case was a proper one for mercy, the responsibility does not lie at the door of the Chief Justice, who could do nothing unless moved, and even if he had been moved, could only have given an opinion. It does not lie at the door of Hastings, who could not, at that moment, carry the smallest measure, and who could hardly be expected to



undertake a Quixotic struggle against the dominant opposition, on behalf of a man who represented a system he was striving to abolish, and of whom he had particular reasons for holding the worst possible opinion. The only persons who could have resented Nand Kumár, were the members of the majority in Council, who were all powerful. But they made no sign.

These details have been recalled because Warren Hastings is the central figure of the making of India, and Nand Kumár was, in reality, his main obstacle. With the death of the Máharajah disappeared the last vestige of active native authority in Bengal, and the last person who could permanently embarrass the work of the Governor-General. From the banks of the Máhanadi to the confluence of the Jumna and Ganges, the East of Hindustan became a British Province. The reign of law began to take the place of an anarchy under which society had been almost completely dissolved. Warren Hastings was the greatest benefactor India ever had.

The eloquent denunciations of Burke and Sheridan have left upon the minds of Englishmen a somewhat confusing notion of these transactions; so that it is possible that this last sentence may give rise to some demur. Even in the able and earnest incidental justification of Warren Hastings which occurs in Erskine's celebrated defence of Stockdale, due attention is not paid to the enormous benefits of which the administration of Hastings was the necessary introduction. As against the Parliament of England, indeed, Erskine's plea was of complete forensic avail. 'If it be true' said the printer's counsel, 'that Mr. Hastings was directed to make the safety and prosperity of Bengal the first object of his attention, and that—under his administration it has been safe and prosperous; . . . then a question may be unaccountably mixed with your consideration much beyond the consequence of the present prosecution, involving perhaps the merit of the impeachment itself—a question which the Commons, as prosecutors of Mr. Hastings should in common prudence have avoided. It is mad and preposterous to bring to the standard of justice and humanity the exercise of a dominion founded upon violence and terror.' At the bar of a *Nisi Prius* Court such an argument was effective: in the forum of History it goes too far. Hastings had subverted no native government, he was only guilty of substituting government for the absence of government; he made a beneficent revolution; but revolutions, even when beneficent, cannot be made without some use of violence, some production of terror.

## II.

IN the meantime the other Presidencies were slowly rising in to political existence, though not with an equal rate of

progress. Bombay, with its small extent of territory, continued to play a very subordinate part. In the navigation of those days it was farther from Europe than Calcutta. It yielded but a very small commerce and revenue. Lastly its military power was overshadowed by the great strength of the Mahratta confederacy. This *parvenu* league (of what were little better than brigand chiefs) having largely contributed to destroy the Muslim Empire of Hindustan, was now centered at Poona, only 74 miles from the British Factory: and the Poona Durbar could at any time surround and perhaps destroy Bombay.

But the condition of Madras was widely different. Before the events of 1757, Madras had borne all the brunt of the British struggle, as well against the native powers as against the rivalry of France.\* In the year of Plassey, Madras had restored the Calcutta Factory, all but completely destroyed by the Muslims, and had thereby founded the political power of what was to become the dominant presidency. But it was the work of years, heavy with misfortune, to teach Madras her new position. One of the constant aspirations of that presidency began, from the time of Warren Hastings, to be the assumption of political power in Southern India, coupled with a craving for pecuniary advantage to members of the governing body. In all this the Madras officials were imitating the example of Calcutta. The latter had (as we have seen) absorbed the native Nawáb of the Eastern Provinces, and had extorted money from the Vazir—Viceroy of Oudh—while they had reduced the titular sovereign of the Mughal Empire to a condition of dependence. Why should not Madras absorb the native Nawáb of Arcot (or the Carnatic) on whose dominions they squatted, and enrich themselves at the expense of the Chief of Mysore and the Mughal Ruler of the Deccan? There were two difficulties attendant on this programme. The French had a strong settlement on the Coromandel Coast, and an old connection with Deccan politics: that was the first. The second was still more serious; the English filibusters of Madras were a few years too late in their naughtiness. Bengal had sown her wild oats; the Governor-General had no mind to have her youthful indiscretions revived for the benefit of a subordinate presidency. The boldness, however, of some of the Madras men was worthy of a better cause.

Muhammad Ali, the Nawab of the Carnatic, was being eaten up by his European creditors,—a prototype of modern Egypt. In his distress he sought to add to his resources by occupying the neighbouring Hindu principality of Tanjore. Lord Pigot, the Governor of Madras, having interposed to frustrate this, was seized in his carriage as he was taking his evening drive

along the Mount Road. The authors of this singular piece of audacity did not stop at that outrage: the unfortunate Governor was thrown into prison by his Council and left there to die. His successor, an old Bengal civilian, Sir Thomas Rumbold, entered upon stormy times. Lord North's administration was hastening to its dishonoured end. Seldom have the fortunes of Britain been in a darker condition. The war with the American colonies approached near to its last sad phase. France and Spain were banded together against our country, unprescient of the chastisement awaiting them at the hands of Rodney. Haidar Ali, the brilliant adventurer, who had made himself ruler of Mysore, having lost all trust in the power or capacity of the Madras Government, espoused the cause of France, and proclaimed war against the British on the ground that they had attacked Pondichéry in defiance of his prohibition, and in violation of the neutrality of his territory. Such was the moment chosen by Rumbold and the Madras officials for outraging the feelings of the Nizam, the virtually independent Viceroy of the Deccan, by taking from him the province of Gantúr and assigning it to their puppet, the Nawab of Arcot.

On the 30th of July 1780 Haidar burst into the Carnatic at the head of a powerful and well-provided army, in which were French gunners and other auxiliaries. The Madras authorities were appalled and paralyzed by a shock, for which, as it was of their own preparing, they ought surely to have been prepared. Their imbecility in trouble equalled their corruption in prosperity. Their military efforts were inefficient and contemptible. Colonel Baillie's force was destroyed by the enemy, while Sir Hector Munro, the hero of Buxar, lay idle with his army within earshot of the firing.

Then Hastings, hitherto only known as a civil reformer, showed what genius could do in the untried field of war. Outraged by the acts of Rumbold and his Council, the Nizam was on the verge of joining Haidar: Hastings conciliated him by a promise that the Madras Council should be compelled to restore the stolen province. The Mahratta Durbar at Poona showed symptoms of leaning towards an alliance with Haidar. Hastings sent a force into Berar under Colonel Pearse, contributing three lakhs towards the military chest out of his own private funds. Sir Eyre Coote was despatched to the Carnatic at the head of the bulk of the Bengal army; the Nawab of Oudh and the Rájá of Benares were called on for aid.

These measures were fully successful. Coote defeated Haidar and joined hands with Pearse. In December 1782 the old Lion of Mysore expired. The reign of the corrupt, incompetent, and mutinous civilians of Madras was at the same time abolished by the appointment of Lord Macartney as Governor.

It is out of place to tell a thrice-told tale : attention is only to be called here to the casual nature of all this history. The annexation of Benares grew out of the refusal of the Rája to contribute to the Southern war. The next annexation, that of the Carnatic, arose from a peace made with Haidar's son. Then, Hastings retired from office, having hanged Nand Kumár, wounded Sir Philip Francis in a duel, outlived the rest of his enemies, rewarded and advanced his friends, and saved for his old age a small provision that just paid the costs of his impeachment.

### III.

The story is nearly at an end : The making of India was fairly started when Hastings left. The appointment of such a man as Lord Cornwallis, high in the social and political scale, and distinguished in war, (despite the disaster of York Town) was a final step in the direction of State interference. The mercantile monopoly had developed into a political ascendancy of which the end could not then be seen. The permanent settlement of the land revenue in the Eastern Provinces, followed by the enactment of what may be called a code of law, will be found described in a valuable contemporary record—Harington's *Analysis*—and set the seal on this operation. Most people now regard the revenue policy as a mistake. The Zemindars with whom the perpetual contracts were made, were not really proprietors, in the English sense of the word ; and the result of treating with them on that footing, has been to dry up a source of revenue which, in other provinces, remains to this day elastic. The Zemindars made use of their new statutory title to raise money which they squandered in absentee extravagance, so that their estates became encumbered, or were transferred to strangers who rack-rented the unprotected tenants ; while the State got no share in the enhanced rents, and had to make up for growing expenditure by laying unfair burdens on other provinces, and by general taxation. This mistake has borne bitter fruit in later times, of which the last crop was seen in the discussions on the Bengal Tenancy Bill of our own day ; a measure much opposed in the interest of the Zemindars, but whose result will probably be to make some improvement in the position of the tenants and in the general condition of the population at large, of which a large proportion consists of persons dependent on the land.

The improvements in the laws and in the administration of justice were of less questionable advantage. But this system having endured without much change since the time of Cornwallis, must for that very reason require examination in the changed condition of society. The other great discussion of our own times, that provoked by the so-called " Ilbert Bill,"

has been provisionally settled, but in a manner which has satisfied nobody. Both these subjects require an early and earnest examination.

As to purely political matters, it is clear that the relations of Lord Cornwallis to the native powers were of a tentative and almost a blind character. He continued, in spite of prohibitions from home—probably, in spite of his own desire—to strengthen the foundations of British paramountship. But it may be doubted whether any other course was open. He seems to have still clung to the idea of a balance of power among the native States. But such an idea was not to be realised. The Empire was in decrepitude; yet such was the prestige that it still retained, as to render it impossible for any other native power to take its place. A shrewd and well-informed observer of the time has recorded this opinion; and no one had better means of judging than General De Boigne. His master, Sindhia, vainly attempted to become paramount in the name and under the auspices of the Empire; and if Cornwallis had attempted to do the same, he would have met with a similar disappointment. The Nizam might—if he had been a brave and competent ruler—have been made sovereign in the Deccan; but could never have extended his overlordship North of the Nerbuda, or have displaced the Empire and Sindhia in Hindustan. Sindhia was master of the Empire; but Sindhia's system rested on his own life, fast drawing to a close, and was impeded by the rivalry of Holkar and the jealousy of the Mahratta Durbar at Poona.

Accordingly it turned out that the schemes of Sindhia were, virtually, neutralised by his death in 1794. The military power of his house, created and matured as it had been by De Boigne, endured for a few years, and kept Holkar and the Durbar within bounds. But Sindhia's successor was a spoilt boy, incapable of directing the huge machinery; and his ultimate fall left a vacuum into which British supremacy entered as by natural force. In the Deccan a parallel line was laid down. General Raymond, the Nizam's French commander, prospered for a while; and a troublesome war resulted, owing partly to the inadequacy of Shore, created Governor-General, and Lord Teignmouth: the last of the civilian rulers until the time of Lord Lawrence. Shore was an able man in his way; and his ability was not that of the mere revenue-officer, as was shown in the courage and originality of his singular proceedings in Oudh, where he removed a Nawab and substituted another whose claims he found established after a local inquiry. But he was not a statesman of the English class: he was by habit and tradition a subordinate. Yielding to the tendency of his instructions from the Court of Directors, he would not open his hand to the gifts of Fortune.

Then came the French Revolution and the mighty struggle with First Consul Bonaparte. That tremendous man had always an eye turned on the rising empire of Britain in the East, where he had once in his humbler days, dreamed of drawing an adventurous sword. He saw that France had been on the point of forestalling England in those rich and romantic regions ; and he thought that a blow might be struck there under which England would reel. He egged on the Russians and Persians to a co-operation which would have been, indeed, formidable, but for the counteraction of Lord Wellesley, who was thus drawn into an extension of British diplomacy into Upper Asia.

Wellesley was one of those aristocratic English statesmen who staked all in the opposition to the Revolution and its mighty swordsman. He foresaw the precarious duration of the Peace of Amiens and forestalled its rupture. War with Sindhia was regarded by him as part of the war with France. France would renew her attack by attempting to invade England : and then one of the defences of Dover should be found at Delhi.

His forecast was confirmed in every particular. Delhi was captured and Dover was saved. The Mughal Emperor became a British pensioner ; his power had been long agonising, now it was at last stone-dead ; and England took its place.

The rest of the story is notorious. Britain once paramount in India, the remaining Native States were practically mediatised. Fighting might, and did, go on, now in one place, now in another ; but for the most part it was only a Police-operation on a grand scale. At last came the final change. That restless genius, Lord Dalhousie, was possessed by an almost fanatical belief in the benefit of English administration in India ; and the logical result was, that no opportunity of extending it should be neglected. \* Dalhousie's rule was the first express and deliberate attempt at making India a part of the British Empire. It was also the last. With the suppression of the succeeding Revolt in 1857, came a wider and more intelligent policy, into the account of which it is not now necessary to enter. The making of India was resumed after this brief interruption. We may therefore sum up the evidence by concluding, that commerce has on the whole been the object from first to last : political power having been only attained as a means, and by way of episode.

The incumbency of Warren Hastings is the turning point in the history of British India. When he first came up from

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\* Greville records that the succession to Lord Hardinge was offered to Sir James Graham, who only declined it in deference to the scruples of Sir R. Peel. Great events hinged on this apparent trifle.

Madras to rule the Calcutta factory, the main object of the Court of Directors was to establish a good mercantile position ; and the small political efforts that were made, appear to have been sincerely intended for the consolidation of commerce. As the Empire decayed, however, the Company's servants had been led more and more to seek for the protection and extension of their business at the feudatory Courts of the Nawabs, or Governors. When one native ruler failed them, they deposed him and set up another. They even acknowledged the wandering Emperor, and accepted office and territory in Bengal from him ; but still they held up the Nawab's Government as *de facto* valid and supreme ; as they also did that of the corresponding potentate at Madras and that of the Peshwa at Bombay. Farther inland, the Nizam and the Vazir Haidar, Holkar, Sindhia, the Jâts, and the Sikhs, were regarded as powers beyond the scope of British operations unless they became aggressive. *Then* they were to be dealt with by diplomacy, or in the last extreme, by force. In their earlier days the British in India were ready to accept the patronage of any "country power" who could afford them security for their mercantile transactions ; and ready to bow respectfully to the rest.

When, however, Hastings became Governor-General, a change occurred ; partly due to his far-sighted ambition, partly to the increasing inefficiency of the contiguous Native States. Bengal collapsed ; its last native statesman disappeared on the Calcutta gallows. Arcot was caducous, the Mahratta Durbar in ruins. The Empire was crumbling ; the British were everywhere brought in contact with, what may be called, "the second line" of Native States. It thus became necessary to find a balance of power ; or, if one could not be otherwise created, to step boldly forward, and make a keystone of British paramountship : otherwise the British must retire from the country, and the Indian markets be left to the decay of anarchy and the competition of foreign commerce. This alternative could not be entertained.

What ensued has been here very briefly noticed. With Wellesley the ascendancy of Calcutta became established. Still maladministration and a species of glorified dacoity remained : and it turned out that paramountship could not be completely effected without annexing provinces. This process went on from 1807 to 1857 : it was not exactly the "conquest of India ;" for which our forces were inadequate had there even been an Indian nation. But this there was not : the country was more like France in the middle ages, which the Plantagenets were able to partially subdue with the aid of Native Chiefs and soldiers.\*

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\* V. Seeley's *Expansion of England*, pp. 198-201.

There was not only found to be no general government in India: in many regions there was no particular government either. British power rushed into a vacuum, and was accepted by a sort of inarticulate *plebiscite*; *because it maintained order*. Nor was this done by the British as a State, though the State lent troops, and gradually appropriated the results, It was primarily the work of a City Company.

Since that Company at last failed to keep order while it seemed to be threatening the last sources of national life, the Mutiny of the Bengal Army led to wavering in the allegiance of the people which had seemed so firm. Then the State had to step into the arena. The British Nation took upon itself the office that had hitherto been vicariously discharged; and substituted fact for an administrative fiction. Order was restored without the excessive vigour of repressive vengeance, that would have created rankling memories. Observant foreigners have done justice to the work. M. de Valbezen, in a book that was written at the time, though not published till some time after, showed that a French intellect was not blind to its elements of might and right: and the late M. Katkoff avowed a generous sympathy. Recognising the concurrence of our country with his own in the introduction of Christian civilization into the fierce anarchies of Asia, the able Russian journalist touched the true key-note of the theme:—

"In reality, the English have been the saviours of India. During whole centuries, the history of India presents one continual spectacle of murder and devastation. The bloody era terminates with the conquest of India by the English, and, though their government may not have been an example of all imaginable perfection, it is impossible not to admit that it has been incomparably more mild, humane, and just, than all the governments under which Hindus have ever lived."

His countrymen seem since then to have shown an inclination to disturb this beneficent undertaking. But it may be permitted to express a doubt as to the seriousness of that ambition. So long as Russia regards Great Britain as pledged to oppose her advances in Eastern Europe, it is to be expected that she will make feints upon the Indian frontier, which may have the effect of compelling the Indian Government to keep a large garrison of white troops in that quarter, and of thereby neutralising a considerable portion of our not too numerous forces. The direct immediate result of that policy of hers may be to aid the other means by which the multifarious elements of Indian society are being welded into one. This should end well, if it leads us to plan for ourselves, and hold up to the hopes of the Indian races and their chiefs, the prospect of an ultimate solidarity which may enable us to relieve



ourselves gradually of some of the cares and dangers of the present situation. If a 'Dominion of India' shall thus be formed, Britain would perhaps come in time to have a renewal of merely commercial relations; and the problem long ago attacked by the East India Company, will be solved in a manner satisfactory to both parties and to national ethics.

In the meantime, what the British nation has to do is, to continue from time to time the work of taking stock and examining the progress and path of its Indian administration: even should it feel that some of the facts so discovered may be of a nature to cause anxiety and trouble. Above all, India must be kept, as much as possible, out of the arena of foreign war, and out of the field of domestic politics. The present constituencies cannot be expected to understand, or even to greatly care to understand, so remote and complicated a matter. They will probably remain, for some time at least, content to leave it in the hands of trustees: but they ought to have the means of satisfying themselves that those trustees are at once vigilant, and well-informed, and sincere.

Lord Tennyson had summed up this view of the subject with his accustomed compact eloquence:—

'Russia bursts our Indian barrier; shall we fight her, shall we yield?

Pause before you sound the trumpet; hear the voices from the field.

Those three hundred millions, under one imperial sceptre now,

Shall we hold them, shall we lose them? Take the suffrage from

the plough:

Nay, but these would feel and follow truth, if only you, and you,

Rivals of realm-ruining party, when you speak were wholly true.

H. G. KEENE.

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## ART. V.—THE HINDU LAWGIVERS AND THEIR CODES.

ALTHOUGH there are several treatises in English which profess to deal with Hindu Law, there is hardly a single work which throws any light on the peculiarities of Hindu Jurisprudence, or the successive steps by which it has been gradually developed and improved. The scholars and jurists, who have devoted their attention to the subject, have placed the republic of letters in possession of a few historical facts and dates—and a great many conjectures too—about the authorship of our legal Codes and Digests. But Hindu Jurisprudence has not been reviewed by any one in that philosophical method which characterises Sir Henry Maine's Ancient Law. The result is that the Institutes of our holy legislators are very imperfectly appreciated. At any rate, they are very erroneously regarded by many as mere ideal pictures and not Codes of Law.\* The truth, however, is that the *Sanhitas* of Manu and Yagnyavalkya are Codes, in a far more comprehensive sense, than the modern legislative enactments to which the name is usually applied. The *Sanhitas* deal not only with what Mr. Austin calls Positive Law, but they affect to regulate the action of all classes of men, in almost every concern of life. Social etiquette, domestic duties, education, diet, cleanliness—all these, and many things else, come within the scope of their legislation. They lay down rules not only for the guidance of the several castes, but they define the duties of the kingly office, and succeeded in making even crowned heads bow to their authority. So great is their influence even at the present time, that the strenuous efforts made of late years for what is called 'social reformation' have not been productive of any result whatever: nay, the Widow-Marriage Act itself, of the all powerful British Indian Legislature, has remained like a dead letter in the statute book.

The principles which, according to Sir Henry Maine, govern the origin and development of juridical ideas, are based upon the systems of law with which the learned jurist was familiar; but so far as Hindu Law is concerned, those principles have little or no application. In fact, both as to province and method, the dissimilarity between the Hindu Codes and the Legal Systems of Europe is so great,

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\* *Vide* Sir Henry Maine's Ancient Law. p. 18.

that the same principles cannot possibly hold good with regard to both. In European countries the primary object of legislators is to frame rules for the adjudication of forensic disputes; but the ultimate aim of the Hindu Rishis was to regulate the action of men in every department of life. In Europe the temporal rulers make laws, and enforce them by temporal punishment; but, in the belief of orthodox Hindus, Law is eternal and immutable. Even Manu and Yagnyavalkya are not, strictly speaking, authors of our laws. Theoretically, they are mere compilers, who have collected together, in a handy and convenient form, the Ordinances of the Vedas. The fact or fiction is that the Vedas is too vast to be mastered by ordinary mortals; and the Rishis and their books are, therefore, accepted as the safest and most reliable guides. The legal systems of modern Europe are like mechanisms for artificial irrigation. There is no mystery about their source of supply, or as to the channels in which they flow. Their course is always direct and straight to the point; but their range and sphere of action are extremely limited, and they very seldom make any permanent impression, or wash away for ever the evils which they are meant to remedy. In fact, they generally cease to work so soon as the power at their source is withdrawn or crippled.

The character of Hindu Jurisprudence is altogether different. Its origin is so completely lost in the inaccessible heights of remote antiquity, that we regard it as the direct gift of Heaven. The binding force of a very large portion of our laws is not dependent upon the power or inclination of any temporal sovereign or administrator to enforce them: they carry with them their own sanction. It, therefore, happens that, in spite of all the changes in the political condition of the Hindus, their Law still retains, to a great extent, that vitality which it had in the days of Brahmanical ascendancy. Considering all these peculiarities of Hindu Jurisprudence, it is no wonder that its developement has taken a different course altogether from that of the European systems. According to Sir Henry Maine the agencies by which law is improved and modified are:—

1. Fiction.

2. Equity.

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3. Legislation.

We have in our Jurisprudence a large number of fictions which have served as instruments for modifying and improving it. But the most important agencies which have answered that purpose in our system are:—

1. Direct Legislation.

2. Indirect Legislation.

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3. Interpretation.

4. Indirect Repeal.

It is not my purpose to say any thing in this paper with regard to direct legislation or interpretation. My object in this article, is to explain what I mean by indirect legislation, and to cite a few instances in order to illustrate it. With regard to what I call Indirect Repeal, it is well known that, in almost all cases, where our Rishis thought it desirable to rescind or set aside any ancient law or usage, they have achieved their object by declaring the same to be applicable to a former age. These may be regarded as instances of legal fiction. But for clearness of exposition, I place them under a distinct head.

Theoretically considered, direct legislation may appear to be better than the indirect methods which I am about to refer to. But so long as human nature continues to be what it is, direct legislation must, in some cases, be quite as undesirable as direct taxes. The Rishis had little or no temporal power. In bringing about such changes in the customs of the time as they deemed necessary, it would have been a fatal error on their part to ride rough-shod on the feelings and prejudices of the men whom they sought to rule and civilize. They eradicated the barbarous institutions of primitive society, not by high-handed measures of enforced reform, but by a kind of legislative tact, which, when clearly understood, cannot but elicit the admiration of every reflecting mind.

Among the ordinances in the Code of Manu which have led European scholars to conclude that it is only an ideal picture, the most important are, perhaps, those which require every member of the twice-born caste to pass through four different Asramas or modes of life. In practice, very few Hindus observe these precepts, and perhaps there never was a time when they were observed. They, therefore, apparently support the conclusion that Manu's *Sanhita* is not a Code of Laws, but a work of the same nature as More's *Utopia*. But the fact is that, in this very instance, the sage displayed that eminently practical turn of mind and that wonderful tact which were the main causes of his success as a legislator. On reading the texts on this subject between the lines, it would appear that what the Lawgiver really intended, was to encourage men to marry and live as peaceful householders, instead of observing celibacy, and running the risk of drifting into a disreputable course of life. Asceticism naturally calls forth the admiration of the vulgar; and the man who renounces the world, on the plea of religion, generally attains a high place in public estimation, though he may be only an adventurer or a swindler pure and simple. It was, however, not consistent with Manu's policy to declare that there was no merit whatever in the life of a *Sanyasi* or a *Fakir*. He does not say that ascetics are either lovers of notoriety or misguided enthusiasts. The sage

knew too well how to maintain the dignity of his profession, to expose even the pretenders in religion to infamy; so, instead of discrediting asceticism, he actually recommends it, though at a period of life when it can have no attraction even to the most adventurous spirits. It is laid down in his Code that after completing the study of the Vedas, men should marry and live as householders till their fiftieth year, or till the period when the decay of the physical powers of the body visibly commenced. (Manu, Chapter VI, verse 2.)

The device answered its purpose. By means of it mendicancy was checked; and the Brahmanical priests were enabled to marry, without losing their sanctity. The ultimate result of this was that their profession became hereditary. There are other religions which sanction the marriage of the priestly class. But Hinduism is the only religion that places marriage on a higher footing than asceticism. (Manu, Chapter III, verses 77, 78.)

The practical good sense which characterises these precepts clearly proves that the Hindu Legislators were not mere visionaries and dreamers. According to their conception of religion, its function is to regulate the action of men in all things where they require to be guided. Their ideal may not be acceptable to those who are accustomed to regard religion as equivalent to faith in God, and in the efficacy of prayer; but as to the philosophical thoughtfulness and practical statesmanship of the sages who originated and worked out the idea, there can be but one opinion.

Another instance of what I call indirect legislation is to be found in the ordinances by which the primitive practice of marriage by purchase, force, or fraud, has been made to give place to the form of matrimony which now prevails among all the higher castes of the Hindus. The device by which this has been accomplished is, in many respects, similar to that by which asceticism has been discouraged. In both cases, the main instruments by which the desired result has been brought about are classification and marshalling in particular orders. Marriage by force, fraud, or purchase is not declared as altogether illegal; but eight different modes of acquiring marital dominion are enumerated; and, while marriage, based on the gift of the bride by her father is placed in the highest class, the other forms of matrimony are placed in the lower classes, and declared as more or less sinful. Marriage based on gift is, in fact, so strongly recommended, that it has very nearly superseded all the other forms of wedlock. The legislation of the sages has, in this instance, been rather too effective; for, instead of bridegrooms having to buy brides, the prevailing complaint now is that the parents of marriageable girls have to give heavy bribes to eligible bridegrooms and their

parents. From the definition of the Brahmo form of marriage in the holy Codes, it appears clear that it was originally meant as a device for encouraging the cultivation of learning, and elevating the position of the literary profession. Manu says :

The gift of a damsel richly clad and decorated (with ornaments) to a man learned in the Vedas, whom her father invites, without being solicited, is nuptial called Brahmo.—*Manu, Chapter III, v. 27.*

As the privilege of studying the Vedas is confined to the Brahmans, the Brahmo form was evidently not meant for the other castes. But the inferior classes of society are so prone to imitate the practice of the aristocracy, that even among the Sudras, the Brahmo is now the prevailing form of matrimony. In this respect, also, the legislation of the Rishis has been rather too successful.

The legislation by which illegitimate sons have been deprived of the status which they had in the primitive state of society, is exactly similar. There was, perhaps, a time in every society when the distinction between bastards and legitimate sons was unknown or practically overlooked. It is only at a very advanced stage of civilization that bastards are regarded as *filius nullius*. But Hindu jurisprudence alone preserves any record of the successive steps by which the feelings and notions of men on the subject have been moulded into their present shape. At the time when the Rishis legislated, they could not, by one stroke of their pen, deprive children of illegitimate birth of all their rights. In all probability concubinage was in those times the rule, and marriage, in regular form, the exception among all but the highest castes. In the nature of things, there is not much difference between the child of a woman kept under protection, and one born of lawful wedlock. At the present time, Hindu feeling is so strong against illegitimacy, that it is extremely rare, and the few whose purity of birth is known to be doubtful, are excluded from the society of all respectable people, and are treated as worse than outcasts. The sentiments of the Hindus in the matter are now so far in advance of their laws that, although the Shasters give certain rights of inheritance to the illegitimate sons of Sudras, in practice, the right is never recognised; and so far as Bengal is concerned, the law has been practically modified and brought into harmony with the sentiments of the people, by the decision of Mr. Justice R. C. Mitter in the case *Narain Dhara v. Rakhal Gain* (I. L. R., I. Cal. p. 1).

At the time when the Rishis legislated, any attempt to deprive bastards of all rights of sonship would have been too far in advance of the age to have been practically successful. By

insisting upon the marriage of females before maturity, and by descanting on the spiritual bliss attained through the birth of an Aurasa or legitimate son, the legislation of the Rishis reduced the number of bastards in the country to such an extent that, from a very early period, they ceased to be recognised altogether. The older Codes divided them into several different classes. But in consequence of the early marriage of females, and the abolition of Niyoga, the Khettraja,\* the Kanina,† and the Sahadraja‡ kinds became rare if not obsolete ; and it is not surprising that the sage, Vrihaspati himself refused to recognise the 12 classes of sons mentioned in the earlier Codes. The Rishi says :—

“Sons of many descriptions who were made by ancient saints, cannot now be adopted by men by reason of their deficiency of power.”

The commentators adopted this doctrine, and the judgment of Mr. Justice R. C. Mitter. in the case referred to above, has given a further extension to it.

The most important instance of indirect legislation by our Rishis, is that by which the practice called Niyoga, or appointment to raise issue on the widow of a deceased person, has been made obsolete. As the marriage of Hindu widows was quite as impossible in former times as it is now, on account of the zenana-system, it was but natural that on the death of any member of a joint-family, his widows passed under the protection of one of his surviving brothers. In all probability the practice was very general in the time of the Rishis, and they could not hope to abolish it by direct legislation. So, after denouncing it as fit only for cattle, and ascribing its origin to King Vena,§ the sage Manu changes his tone altogether, and declares that it is legal, but only when made in a lawful manner, and with a lawful object. He then goes on to prescribe certain ceremonies and conditions, ostensibly to regulate the practice, but in reality to make it impossible. The conditions are :—

- (1). That the levir must be appointed for the purpose by some one having the necessary authority in the family.
- (2). That the parties should meet only once in a month.
- (3). That they should meet only at dead of night.

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\* Khettraja is the son begotten on the widow of a deceased person by his brother or other relation.

† Kanina is the son of an unmarried damsel.

‡ Sahadraja is a son conceived in the womb of his mother at the time of her marriage.

§ By this account of the origin of the practice, the sage obviously meant to say that it was not an immemorial custom.

- (4). That they should not converse with each other.
- (5). That the widow should not dress or toilet like a married woman.
- (6). That after the birth of one male child, the parties should regard each other as father-in-law and daughter-in-law.

Such being the restrictions imposed on Niyoga, it is no wonder that it has become obsolete and unknown. The Rishis who, by such means, abolished widely-prevailing customs, were certainly not mere moral teachers. Their ordinances clearly show that their object was to regulate the conduct of men, and not merely to preach what they thought to be true and proper. For all practical purposes they were legislators. It is true that they were neither elected by the people, nor appointed by the king to make laws. But the commands imposed by them are generally obeyed, and are, therefore, Laws according to Mr. Austin's definition of the term. That being the case, their Sanhitas are certainly entitled to be regarded as Codes of Law.

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JOGENDRA NATH BHATTACHARJIA.

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## ART. VI.—“THE REVERSE, OR ‘WRONG SIDE.’”

OUR clever manufacturers have invented many new and curious fabrics that are equally attractive on both sides, but still the percentage of cloths that have a distinct right and wrong side is very large. The term *wrong*, as applied to the reverse of any cloth, is hardly correct, although it is always used, as there is nothing wrong about it, it is only less attractive, coarser and inferior in various ways to the upper or right side. It must be carefully kept out of sight, except when required to testify to the good quality of the cloth, lest by its ugliness it should mar the effect of the superior finish of the right side.

Nevertheless it is indispensable.

If we wish to find out the quality of a material, we must examine the under side. Until we have done so, we cannot be sure of arriving at a proper estimate of its value.

As it is with the endless varieties of goods manufactured for the purpose of supplying the wants, or gratifying the vanity of the human race, so it is with the wearers of those goods. Until we know what the under, or reverse side of their character is like, we can only form an imperfect estimate of their real worth. Few people can boast of having no right and wrong side (in the proper sense of the word), and everyone is justified in wearing the right side outermost. The most exacting advocate of truth and honesty cannot wish us all to wear our velvets and broadcloths inside out.

There are some few fabrics—as there are some few rough diamonds—whose attractions are concealed under a rough surface, but the former do not claim many admirers, while the latter are valueless until they have been properly cut. Human diamonds—in-the-rough, are not easily recognisable. Ordinary mortals may be forgiven for declining to believe that every rough exterior they come across conceals a hidden jewel. There are a great many more imitation diamonds that are mistaken for real ones, than real ones whose value is unsuspected.

Opinions as to the relative virtues of the human materials displayed before us in everyday life differ considerably. One man admires Mrs. Medium Blue, and thinks she is just as pretty and attractive as Mrs. Pale Blue, while another recognizes her inferiority instinctively. Mrs. Medium is always surrounded by a certain number of followers, while Mrs. Pale Blue is loved and respected wherever she goes. Mrs. Medium

is for ever struggling to look like Mrs. Pale Blue, but her admirers all belong to the great family of Shamites, who pretend to think she succeeds, while in their hearts they acknowledge her inferiority. Let us turn up a corner and see if we can find out why these two, who look to the careless observer so much alike, are really very different. Ah! this explains it—Mrs. Pale Blue is one of the Real Velvets, and Mrs. Medium Blue is only one of the Cotton Backs.

"Really, no one would have known the difference, unless that corner had been turned up," remarks one of the Shamites. Would they not? I doubt it; very few people are so ignorant as to make such a mistake: there is a delicacy of finish, a softness of touch about the Real Velvets that the Cotton Backs cannot attain to; besides that troublesome corner is sure to be turned up; some one always sees the wrong side, and tells everyone else that it is only Cotton.

Naturally everyone cannot be a Real Velvet, and Cotton Backs are very useful. They are only despised when they try to make out they are Real Velvets with Silk Backs. Honest little Mrs. French Merino and her daughter Cashmere, never get snubbed like the Cotton Backs, because they are modest and unassuming. Mrs. Merino, indeed, does not mind in the least having a corner turned up, for she is the same both sides; she is always the same, honest and thorough, not perhaps so graceful as her daughter Cashmere, but always fit to be seen, and highly respectable.

When a man selects the cloth for a coat, he carefully examines the under side, as well as the smooth fine looking surface, not with the intention of wearing his coat inside out, but because he wishes to assure himself of the good quality of the cloth. When he selects a wife he is often less cautious, and judges by the charming softness and finish of the right side, without attempting to look at the under side, although he cannot fail to have opportunities of seeing the corner turned up; he wilfully shuts his eyes to the fact that there must be an under-side, and feels aggrieved when he opens them.

In society the tendency is to keep the corners down, and very reasonably so. Most people have something unlovely in their lives, and although it may be nothing to be ashamed of, there is no reason why they should parade it before the eyes of the world. The small frets of everyday life, the many ailments flesh is heir to, and the consequent ruffling of the tempers, are well known to our friends—too well, perhaps—but there is no reason why we should inflict them on our acquaintances, or why we should not have pity on our friends and keep them out of sight—turn down the corner in fact, and having frankly acknowledged that there is an under

side, allow them to forget it when they are in our society. The individual who allows the reverse to appear too frequently becomes an eyesore to all who have an idea of beauty and appropriateness, while, on the other hand, everyone is suspicious of too carefully concealed wrong sides. A stiff social breeze is apt to turn up a good many corners, and where there is no Cotton Back to be disclosed, no one need be ashamed to let their friends and acquaintances see the reverse. It is rarely equal to the highly finished right side, but it will prove the good or bad quality of the material, it may even reveal excellencies that a sober and unattractive exterior gave no promise of.

One of these social breezes is blowing in the station of C.—. Take care Mrs. Medium, those spiteful remarks of yours are showing us of what stuff you are really made. Mrs. Pale Blue is angry too, but she is Real Silk, and deliberately turns the corners up, can you afford to do the same? Her anger does not make her behave unbecomingly: we all knew she had an under side, but now we see that it is one she need not be ashamed of. Mr. Glossy Broadcloth has forgotten that he has been pretending to be one of the Superfines, and has incautiously revealed the fact that the grain of his cloth is coarse and rough. So also is that of Mr. Serge and Mrs. Tweed, but then they make no pretence of being fine. They are not so high class as the Superfines, but they are thoroughly reliable, honest people, whose good qualities are sure to be recognized when the weather is stormy. As for that little Satinette who was so bright and trim before, she is limp and dabbled now; the cruel wind has blown her about too roughly, and curious effects have been the result. Whispers of "Cheap and nasty" are heard from the corner, where Mrs. Flowered Sateen sits, confiding to one of the simple Muslins, the advisability of using pretty linings when the reverse of the material is unlovely.

It is wonderful how many people there are in the world who take a delight in peeping under other people's corners, or in roughly disclosing their under side; others are always imagining that they see imperfections that do not exist, while some charitable folks believe every one to be even better than they seem at first, and are then unreasonably disgusted at finding out their mistake.

We should laugh at the man who turned the backs of his pictures outwards, or had his table-cloths put on upside down; and we laugh at the man who takes a pride in showing off the imperfections of his character in public. We have no more right to offend against good manners by showing off our temper, or our stinginess, our extravagance

or our selfishness, than we have to wear our clothes inside out, and it is decidedly unjust to accuse people of hypocrisy because they wear a smiling face in public, when they are known to shed bitter tears in private.

It is always dangerous to judge by outward appearances only. How often do we hear people accused of being mean, stingy, inhospitable, their unwillingness to put their name to the many subscription lists that are circulated in a station, condemned, and their ability to subscribe, or to entertain largely, freely discussed.

"How mean of the Homespun," everyone remarks, "to refuse to subscribe anything towards the new Billiard table—they never join in anything, and he has very good pay, and there are no children to provide for. The Medium Blues draw quite Rs. 300 less, they have several children to provide for, and yet they join in everything; he has put down his name for Rs. 100 to the Race Fund, etc., etc." Quite true; apparently, the Medium Blues are more generous, more charitable and open-hearted than the Homespun. But Homespun's friends know, what the rest of the world is ignorant of, that he has an invalid brother to support and a sister's child to educate; or that his health is so bad, that he may have to retire before his full pension is due; and unless he saves something now that he can, he may find himself on the starvation allowance of  $\frac{1}{8}$  of his pay before long. Who knows all the channels through which a man's pay filters away? Everyone can make a fair guess at how much flows into his cash-box, but who can tell how much goes out?

The Medium Blues draw less pay, but two of their children are being brought up at home by her relations, the rest cannot be sent home because Medium Blue is in debt, and spends all his income in keeping up appearances. Probably when he dies his fellow-officers will be called upon to subscribe for his widow and children; the Poor Homespun who have lived a life of self-sacrifice for years, kept clear of debt and subscribed to a Pension Fund, so that they may never be a burden to anyone, are considered mean if they refuse to recognise the justice of being called upon to help the family of a man who spent all he had, and neglecting the duty of a husband and father, left his family unprovided for.

Many men help their relations and say nothing about it; they cannot marry because they have to provide for a spend-thrift brother's children, or support their mother and sisters. The fact of their keeping their corner carefully turned down leads to their being misjudged. Good men are much more chary of talking of their good deeds than bad men are of boasting of their wicked ones, and as the general world has no

opportunity of examining the under side of their lives, they are judged according to the unpretentious appearance of their outward lives.

The simple Muslims are a pleasant family, and everyone likes them, although some affect to despise them. Their actions are less liable to misinterpretation than those of most other families, and if they are accused of presumption, it is generally by those who cannot appreciate the simplicity of their character: on the other hand no family is so persistently misrepresented as the Shot Silks, and the new fabrics that are plain on one side and striped on the other. Everyone agrees as to the quality of these families, but each one differs in their appreciation of it.

"Really a lovely shade of green" remarks one lady.

"It may be green" says a second, "but from here it looks anything but lovely."

"It is not green at all" cries a third, "it is decidedly red," and so they go on differing, like the men in the old fable of the camelion.

Our actions are often camelion-kind—one person thinks we were right, another thinks we were wrong; what one person considers kind-hearted, another declares to be insulting.

"My dear," said an elderly lady kindly to a young mother who had just arrived in a station with two sick babies; "I heard your little ones were ill, and I came to see if I could help you."

"How kind of her," one says. "I was so glad of her help, it was very neighbourly and good of her to come directly she heard I was in trouble."

"How rude of her," exclaims another, "as if I wanted her help. Did she suppose I had no nurse to take care of my children, so pushing of her to come rushing over directly she heard I had arrived, as if I wanted a stranger poking about, before I was ready to receive anyone."

In this way the simplest actions are canvassed. What one considers brave, another says is fool-hardy; what one calls cowardice, another recognises as the highest moral courage—the courage to do right at the risk of being called a coward. We must all take our chance of being so canvassed, and as long as our friends know what material we are made of, we can afford to laugh at the conjectures and insinuations of the rest of the world; some little breeze is sure to stir the corners and show them the real quality of the cloth. If we belong to the numerous family of Shamites, that stirring of the corners will have a fatal effect.

Very curious disclosures have been made by sudden emergencies, and the individuals who have concealed the unloveliness of the under side of their lives, look very small when chance

reveals it to the world, and they are recognised as Shams, or Imitations. As for instance, when a lady was compelled by circumstances to ask a visitor to stay to dinner, and revealed in a conversation with her German nurse—who was also head-cook and maid of all works—her vexation at having to do so, and the poverty of her larder. An animated discussion between mistress and maid concerning the possibility of making a scrap of cold mutton, that was all too little for two persons, provide dinner for three, was too amusing to be interrupted, but when the visitor heard how the deficiency was to be made up—how essence of beef flavored with Worcester sauce was to be served as soup, and a hasty pudding concocted, with various dishes the directions for which sounded like receipts for making something out of nothing,—she beat a hasty retreat. As she had been sumptuously entertained on previous occasions when she had been an expected guest, the contrast between the upper and under side of life in that house struck her rather forcibly. The possibility of her understanding German never struck her intended hostess, and when she disclosed the fact, the effect was rather dumbfounding.

In some houses nothing more than cold mutton can be expected, and if it is frankly offered and seasoned with goodwill and hospitality, no chance guest can fairly grumble at it; but when the style of the house is pretentious, the occasional dinners somewhat sumptuous, and the position of the host and hostess such as to warrant a considerable amount of domestic comfort, a chance visitor may well be surprised at accidentally seeing a veritable patchwork lining to the highly finished upper cloth; in this case the under side is really the wrong side, and a very coarse and unprepossessing under side too.

If the reverse of our lives and character bears the same relation to the upper or outward side, that the wrong side of a good cloth bears to the right, we need not be ashamed to show it, but if it belies the fair promise of a highly finished exterior, we must expect, sooner or later, to be found out, and made to take our place amongst the Cotton Backs and Imitations.

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## ART. VII.—THE DIOCESE OF CALCUTTA: ITS SUBDIVISION, AN URGENT AND PRACTICAL NECESSITY.

[CONTENTS.—I.—The Subdivision of Calcutta Diocese no new matter.—II. Its urgency.—III. Retrospect.—IV. Acquisition of Territory.—V. Later relief.—VI. Enabling Measure needed.—VII. National dread of being over-officered.—VIII. Example of the Roman Church.—IX. New Sees now urgently wanted.—X. Time and Distance.—XI. The need continuously kept in view. XII. Conclusion.]

THE subdivision of the Calcutta Diocese, has been a moot question for many years. It stands well to the front

I. No new matter. among public matters of general interest at the present time. Public opinion has taken up the matter, and feels that the time has gone by for theorising on the platform and in the press, and that inaction will no longer be tolerated. The Christian conscience in regard to our great Indian Empire, may now be said to be roused, impelled partly, no doubt, by its own truer conception of heavy responsibilities, and exceptional opportunities, as also by the concentrated attention of Churchmen generally on the solution of what has always been a difficult problem—the extension of the Indian Episcopate.

It seems useless, almost, to state the urgency of the case,—its facts are so patent, and speak for themselves. It is of no avail to point to the present altered state of ecclesiastical matters in India, as compared with what they were in 1814, when the single See of Calcutta was founded. It is an accepted canon of political economy, that nations should make adequate provision for their people, as well ecclesiastically as educationally, socially, fiscally, or otherwise. In other words, commonwealths must keep pace with the times, and abreast of all prominent matters which affect the public well-being. Upon the latter ground, taken in its highest sense, the reduction of the still preposterous dimensions of the Calcutta Diocese, becomes a subject, not for consideration, but for prompt action. The future development of the Church of England in India—or, more properly, the Church of India—depends, humanly speaking, upon the extension of the machinery necessary for its adequate working. The days are happily gone by, for ever, when it was thought, in some quarters, that the Mission of the Church of England in India, lay with the

handful of Europeans, and not the millions of Natives, committed, in the Providence of God, to our care and improvement in every way. To take so partial a view is to close our eyes to the opportunities brought by advancing history to our doors. That was the error of earlier administrations, which rigidly forbade certain Government chaplains to intermeddle with Natives in regard to their religion. All alike, now, whether Government chaplains, Additional Clergy Society chaplains, the clergy of the great Missionary Societies (the S. P. G., and C. M. S.), or smaller communities such as the Society of St. John the Evangelist, the Oxford Mission to Calcutta, and the Cambridge Mission to Delhi, would claim an interest in the whole of India as the Church's true Mission-field. Viewed in this manner, interest grows, as responsibility is increasingly realised; and there can be little doubt, that the present flow of Church-life in India is so strong, that it will carry all before it, and sweep away those technical hindrances to the creation of additional Sees, if they yield to no gentle treatment in the meantime.

Let us look for a moment at the past, and recall the measures of relief which have been effected. This may have the double result, of not only emphasising the force of existing needs, as compared with the slight obstacles which stand in the way, but also of stimulating combined effort to supply the one and to overcome the other.

(a.) The Calcutta Diocese, as formed by Letters Patent in 1814, was simply appalling in the extent of its jurisdiction. Were the matter not so serious and far removed from a jest, one could almost smile at the blind infatuation of responsible Ministers of State, in advising the King to lay such a burden on the back of any one man. It not only included the whole of India (comprising an area of 1,600,000 square miles, and a population of over 200,000,000), but, with a subtle foresight, Parliament afterwards enacted that succeeding Crown Possessions were to be spiritually cared for by the Bishop of Calcutta, without any allusion to the need for more Bishops as the Empire of Britain extended her limits.\* Thus, in time, the spectacle was presented to Christendom of Bishop Middleton

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\* In 1817 the Government added to the jurisdiction of the Calcutta Diocese, the entire Island of Ceylon, with an area of 25,742 square miles, and a population proportionately large (it is now about 2,500,000); six years later, it further included "all British subjects within the limit of the East India Company's Charter, and in Islands north of the equator, and all places between the Cape of Good Hope and Magellan's Straits;" and in 1824, the whole of "New South Wales and its dependencies."



presiding not only over Hindustan, but also Ceylon, Australia, and New Zealand. The bare mention of a charge so stupendous, ranging over countries so vast, and so remote, carries on the face of it a verdict of attempting the impossible. True, the gross absurdity of attaching Australia and New Zealand to the See of Calcutta was eventually realised; but at what a distance of time! The former was severed and became a separate Diocese in 1836, \* the latter, in 1841. Ceylon was formed into the Diocese of Colombo in 1845. The two Archdeaconries of Madras and Bombay, became independent Sees in 1835 and 1837, respectively.

(b.) Thus, by the year 1841,—which marks the inauguration of the Colonial Bishoprics Fund, which, by the freedom of its action has been of such untold benefit to the Colonial Church—India contained three Dioceses, Madras and Bombay consisting of the Presidencies of those names, *leaving all the rest to Calcutta*. It should be borne in mind that in all three cases, in the Letters Patent, appointing the Bishops of Calcutta, Madras, and Bombay, the jurisdiction conferred, has reference to *British territory only*.

(c.) This point is of importance, as it brings out the need for Episcopal supervision over immense districts not actually in the absolute possession of England, such as Rajputana, the Central Provinces, Oude, Ajmere, Sinde, Punjab, Coorg, and many others. Of course, many of these territories have since been acquired by the British rule; and it may be well here to recall the years in which so many Native States became British territory, beginning with 1800, after the conquests of the 18th century which, practically, placed India in our hands.

Bundelcund, 1802; Cuttack, 1803 (also Delhi territory); Guzerat, 1805, Saugor, 1817 (also Ahmedabad); Kandeish and Ajmere, 1818 (also Poona and the South Mahratta country); Beejapore and Ahmedunggur, 1822; Singapore, 1824; Malacca, 1825; Assam and the coast of Burma 1826; Coorg, 1834; Kurnool, 1841; Sinde, 1843; Satara, 1848; Punjab, 1849; Pegu, 1852; Nagpore, 1853; Oude, 1856; and so on, up to 1886, which marked the annexation of the whole of Burma. Thus did the English hold gradually extend far

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\* Up to the year 1836, Australia had been part of the Diocese of Calcutta. A few years previously (in 1829) the Rev. W. G. Broughton, was selected by the Duke of Wellington as Archdeacon of New South Wales, and in 1836 he became first Bishop of Australia. He described the extent of his Archdeaconry, after an experience of it during 25 years, thus: "Imagine your own Archdeacon, having one Church at St. Alban's, another in Denmark, another at Constantinople, while the Bishop should be at Calcutta!"

and wide. But, as in the case of the growth of the Colonial Church as compared with the growth of the Colonial Empire, the former failed to keep pace with the latter. While the British territory increased from time to time, there was no increase of the Episcopate. If the case was such as has been described with regard to their own populations, how about those immense populations lying all around? True, the several Bishops have, by common consent, the oversight of certain stations in Native States, either independent or tributary; but this is not of right, but of concession, and cannot properly be held as a permanent and satisfactory settlement. It is felt, now-a-days, that these huge Native districts must somehow be cared for by the Church; and something has been done in this direction as we shall now show.

On the death of Bishop Milman in 1876,—due, as many said and still say, to the superhuman efforts, V. Later relief. unsparingly made with his iron constitution, to cope with his vast Diocese—efforts were made, successfully to lop off the two extremities of the Calcutta Diocese. The appeals made, both in England and in India, were well responded to; and in 1877, the Diocese of Lahore was founded and endowed as a Memorial to Bishop Milman (the last to sink beneath the burden), and also the Diocese of Rangoon, mainly by the liberality of the Home See of Winchester. Two years later a further reduction was made,—this time, however, affecting the Diocese of Madras—by the appointment, in 1879, of a Bishop for the Church of England in Travancore and Cochin. This marks an entirely new departure in the history of the Indian Episcopate, as, for the first time, it shows the Episcopal principle in unfettered action, in two independent Native States. Though sanctioned by Government, the Bishop's income is supplied wholly by the Church Missionary Society. This enunciates, in a practical way, the manner in which, as will be shown later on, further extensions of the Indian Episcopate may easily be accomplished. In the same year, 1877, two Assistant Bishops were consecrated, Drs. Caldwell and Sargent, veteran Missionaries of the S. P. G. and C. M. S., respectively, to aid the Bishop of Madras, by taking sole charge of Tinnevely and the adjoining districts in the south of India. But such an arrangement is unsatisfactory in basis, and provisional in its very nature, for should the See of Madras, think fit, the appointments of these Assistant Bishops would lapse. It seems anomalous for any Bishop to hold office within the Diocese of any other, merely on the tenure of a license, revocable at any time, like that of a curate. Many regretted the adoption of the method, and the experiment is not likely to be repeated elsewhere. Bishops should be either: (1) Territorial, or

(2) Suffragan (both applying to British territory only), or (3) Bishops with jurisdiction only (for Native States only), but with status and independence fully assured.

How is the relief, which is felt to be so necessary at the present time—to be described shortly in detail—to be provided? By the provision, by Act of Parliament, of an Enabling Measure, whereby the Church of India may form additional Dioceses as occasion requires. In other words; to have, once and for all, power lodged within the Church to *increase her efficiency* by her own action, when, where, and how she pleases. The Government, no doubt, would have to be kept informed, so long as the connection exists in India between Church and State; but no obstacle would probably be offered to the consecration of any number of Bishops, if a case could be made out proving the need of them, and based on satisfactory evidence that a sufficient income was forthcoming. The circumstances of the Indian Ecclesiastical Establishment have been unique from the beginning. The fetters of Letters Patent and Government Orders have caused friction in the past, which however has now, happily, nearly worn itself out; and it is impossible to imagine that they could ever be imposed in any future legislation. The responsible advisers of the Crown must be aware that the increase of the Episcopate everywhere is one of the problems of the day; and it will have to be met in India in an elastic and generous spirit. The Church of India will, probably, ask nothing more of the Legislature, than the power and freedom to adjust her wants, and increase her organisation as an altered and growing condition of things requires; and, possibly, the additional help gained by giving the new Bishops the rank and pay of Senior Chaplains, as has already been done in the cases of Lahore and Rangoon. Given the Enabling Measure, it would be the Church's own fault if she failed to avail herself largely of the facilities so afforded. Looking round upon the face of India, as at present furnished with Bishops and fixed Dioceses, \* any one can see at a glance, how immensely large are the districts and provinces without the presiding jurisdiction of a Bishop, and where, therefore, new dioceses are imperatively necessary and desirable. The Government would then have to be approached for its formal sanction to allow of private enterprise putting into force the Enabling Act. Subsequent powers for the consecration of such Bishops would

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\* See DIOCESAN MAP OF INDIA AND CEYLON: Allen and Co., 2nd Edition—under the Patronage of the Secretary of State for India—showing exactly what are the limits of British Territory, and also the large areas still without settled or authorised Episcopal control.—[By the Author.]

follow on the provision of an adequate income. This could be supplied in many ways,—the Church Societies, the Universities, private munificence,—by any one of these singly, or in combination. Let the past furnish examples. Some Dioceses are provided with Bishops with incomes from Government sources, others have been furnished by individual lay people (*e.g.*, Lady Burdett-Coutts who endowed the Sees of Adelaide and Columbia, besides the Archdeaconry of the latter, and the late Hon'ble John Campbell, who endowed Riverina)—others, again, by corporate bodies like the Universities, by Companies, and by widely-spread subscriptions. We may depend upon it that there are numbers of influential and wealthy laymen and laywomen who would very gladly come forward and share in the foundation of such new Bishoprics as are needed, whenever they are assured that the Church is in earnest with herself, and true to her mission. For what, after all, is her mission? To build up the souls of the faithful who are already within her border, and to bring in those who are yet without: the former quite as much as the latter. This part of the subject cannot be pursued further here; but it is to be feared that it is but little understood. Mission-work is not something accidental; it is the very life and essence of the Church. It is her mission, therefore, at all times, to keep well abreast of the spiritual needs of the people. A subdivision of labour, we know, halves the work, but doubles or trebles its efficiency. Work under such conditions, not only makes greater headway, and reaches the greater number, but is also much better done. A Bishop is the source and centre of a new stream of spiritual life. Multiply these centres, and you multiply—but at an enormously greater ratio—the Church's various agencies and ministrations: just as a centre of heat, throws off rays of heat equally within the radius of its own area.

It is possible to be over-officered, as well as under-officered; but the English mind, which is very greatly conservative in matters ecclesiastical, evidently has a greater dread of the former than the latter. It is content to let things go on as they have for years, till circumstances break in upon its repose, and force it to contemplate the reform needed, which is not so much in the direction of change, as expansion of existing methods.

Take, by contrast, the *personnel* of the Roman Catholic Church in India. Whilst the Romans have 1 Archbishop and 20 Bishops for the oversight of their people in India, the Church of England was content with 1 in 1814, 3 up to 1877, and even now there are but 7, including the Bishop of Colombo. The difficulty connected with the interpretation of various Letters Patent—which some have construed as having an

VII. Dread of being over-officered.

VIII. Example of the Roman Church.

expansive meaning, implying a growing jurisdiction from within, others as indicating a fixed limit of authority—would surely be found to yield to the dictates of commonsense, so that there need be no fear of clashing between the old Presidential Dioceses of Calcutta, Madras, and Bombay, and those new ones which it is hoped may be founded in the near future.

We come now to the really practical part of this paper :  
 IX. New Sees now What Sees are now urgently needed, so as to relieve the Diocese of Calcutta of immense outlying territories, and increase the efficiency of the Church in every way? Without any doubt—though by no means supplying all the relief needed—the four following dioceses are immediately required :—

- (a). diocese of Nagpore, for the Central Provinces.
- (b). diocese of Ranchi, for Chota Nagpore.
- (c). diocese of Allahabad, for the North-West Provinces.
- (d). diocese of Luckimpore for Assam.
- (e). diocese of Jeypore, for Rajpootana.

To take these in order :—

(a.) The Central Provinces would form a compact Diocese, containing an area of 84,162 square miles, and a population of nearly 10,000,000. It includes the following towns: Nagpore, the capital, with a population, of 90,000,—the Bishop's seat would be there; Kamptee, Bhandara, Chanda (population 20,000), Jubbulpore (population 60,000), Saugur (population 48,000), Berhampore (population 37,000), Hushungabad (population 15,000). The country is, for the most part, a table-land. Since 1871 a flourishing mission-work has been going on, chiefly at Chanda and Nagpore; but it has sadly wanted responsible guidance and supervision on the spot. The Rev. G. T. Carruthers, Chaplain at Nagpore, was the first to arouse interest in this, till then, neglected field for Church-work; and he gave what time he could spare to the development of Native Christian congregations. He was ably succeeded by Mr. Gray; and the work is now under the direct control of the Bishop of Calcutta. But at what a distance from the immediate vicinity of the Metropolitan, whose personal visits must, necessarily, be few and far between! Some years ago an effort was made by the Scottish Church to provide an experienced clergyman as local head of this interesting Mission, but the right man has not been forthcoming; and it is now felt that the want can only be fully supplied by the appointment of a Bishop.

(b.) Chota Nagpore is a province, in the presidency of Bengal, half under English, half under Native rule. It contains an area of 43,901 square miles, with a population of about 4,000,000, and the following towns: Ranchi (population 13,000), Hazareebagh (population 12,000). This Province has for years been

associated with one of the most successful Missions connected with the Church in India, a brief sketch of which may here be given. In December 1844, Mr. Gossner, a pastor from Berlin, sent out to Calcutta four Missionaries. Eventually they settled in Ranchi, the chief town of Chota Nagpore proper (which is 2,000 ft. above the sea-level, and contains 7,000 square miles), and at once began mission-work among the Kols, who are the inhabitants of the district. For the first five years, that is, by 1850, they had not made a single convert; but about that time, success came in the persons of four Kols, who came "asking to see Christ," and were shortly afterwards baptised. By the year 1857, the converts numbered 700; but then came the Mutiny, and the Mission was broken up. On its subsidence, the officials and missionaries returned; and it was found that the Mutiny rather helped than hindered the work of evangelization, as the scattered Christians could tell wherever they went, just as in apostolic times, of the new religion of Christ which they had adopted. The Church was propagated in like manner, by the dispersion of the disciples which arose "about the matter of Stephen." In 1860, there were 1,400 converts, and, in 1864, the number had risen to 6,000. Mr. Batsch was recognised as head of the Mission. Outstations were soon thrown out in the adjoining districts: Hazareebagh, Manbhoom, and Singhbhoom; and churches and schools sprung up in all directions. The work so prospered that in 1868, there were 10,000 baptised converts; and it was felt that, at this rate of successful work, another generation might find the Kol tribes Christianised *en masse*, and that Chota Nagpore might furnish a parallel, though on a smaller scale, to the historic Christian settlement of Tinneveli and the Malabar coast. About this time a crisis happened to the Mission, owing to the action of the Berlin Committee which might have had serious consequences. They recalled Mr. F. Batsch, and superseded his patient work by sending out younger men, with German degrees to their names, alleging that the fact of Mr. Batsch and his fellow-labourers not being University graduates, was opposed to their efficiency as Missioners. All appeals being in vain, the Kols entreated Bishop Milman to receive them and their pastors into the Church of England, fulfilling, as is believed, the death-bed wish of the late Pastor Gossner, founder of the Mission, that one day it would be connected with the Church of England. From that time the concerns of the Kol Missions have been regularly cared for by the Church, and placed under the control of the S. P. G. The Bishop at once visited the Mission, and agreed to receive the 7,000 Kols who followed Mr. Batsch; and his address delivered in the verandah of Colonel Dalton's house, was an

impressive and memorable event. Bishop Milman came again, in April of the same year, to formally receive the converts and ordain the Revds. F. Batsch, H. Batsch, and H. Bolm as priest and deacons: also the Revd. W. Luther, a Native pastor, as deacon, in the presence of a congregation of about 1,100, of whom about half received Holy Communion. On this occasion 41 Natives were baptised, and 633 were confirmed. The Rev. J. C. Whitley, was now transferred from Delhi, to take charge of the Ranchi Mission (June 1869). Next year Bishop Milman visited it again, when he preached to 1,200 persons, of whom 585 received Holy Communion. He also confirmed 255 catechumens. The district comprised by the Mission, included 300 villages, which was systematically mapped out into 35 sections, each in charge of a reader. Church accommodation was very deficient. Mr. Whitley declared that "Christianity now spreads spontaneously, as it were, among the Kols." There were 600 baptisms in 10 months. A theological class was formed, and Church discipline and organisation clearly taught. The readers were summoned to a conference at Ranchi, and the whole work became consolidated. In 1872, the Rev. F. R. Vallings, Secretary of the Calcutta Diocesan Committee (S. P. G.), joined the Mission, with which he retained connection till his lamented death in 1877, while on his voyage Home. Bishop Milman also visited the Mission the same year (1872), which was interrupted by his summons to Calcutta, owing to the assassination of Lord Mayo. Nevertheless, the work grew and increased beyond all previous experience. Churches, parsonages, schools, were increasing, in spite of all difficulties in regard to finance, and the statistics of that year show an Anglican Commission, consisting of 11 clergy, 6 lay-missionaries, 132 readers and teachers, 11,445 baptised Christians, 3,946 communicants, and 1,973 catechumens. In 1875, after careful preparation, 5 Natives were ordained to the diaconate. In 1874, the results were as follow: 7,496 baptised, 1,548 catechumens, 944 baptisms, and 727 scholars. The next year Bishop Milman visited the entire district, his visit extending over 3 weeks. He also held an ordination, conducted in Hindi, for 10 candidates for holy orders, of which all but 2 were Natives of Chota Nagpore. The Bishop was accompanied on this occasion by the Rev. W. H. Bray, who had succeeded Mr. Vallings as S. P. G. Secretary at Calcutta. His account of the Church at Ranchi is worth reproducing: "On waking very early on the last morning of my journey, I was astonished to see, as the most conspicuous feature in the landscape, what would be, even in England, a really remarkably handsome-looking Church. We were as yet some distance from Ranchi, but of course, it could be no other than St. Paul's Church of

that station, A nearer approach only caused me to admire it the more ; and when I arrived, and looked in, and saw everything well finished, . . . I was full of satisfaction and thankfulness. . . . The whole nave is one vast area, with nothing save the pillars rising from the matted floor, to take off the attention from the imposing-looking chancel. . . . When afterwards, the congregation assembled, and prostrated themselves (they do not simply kneel) and joined in the service, both in that part which was said, and, perhaps, more especially in that part which was sung,—their voices blending in almost perfect harmony,—the aspect was very impressive indeed, especially when one remembered what these men were, and what they would have been still, but for the Message which they have received." The death of Mr. Vallings in 1877, left Mr. Whitley in sole charge of the Mission. In 1878, he was able to report how on June 17, a one-day's "retreat" had been organised for all the clergy, 12 in number, *10 being Natives*. Such is an outline of Chota Nagpore ; and it has been given at some length, because the facts here detailed seem incontestibly to prove the urgent need for the formation of the district into a separate Bishopric. Nothing more could possibly be required in support of such a requisition ; and it is engaging the earnest attention not only of the S. P. G., but of Churchmen generally. The Missionary Clergy on the spot seem to be unanimous in desiring the presence of a resident Bishop. The S. P. G. is now urging the immediate fulfilment of that wish. Meanwhile, the Bishop of Calcutta is urging, no less strenuously, the foundation of a new See for the North-West Provinces, at Allahabad. No doubt, these matters will be satisfactorily adjusted. At any rate, they show the hold which an increase of the Episcopate has on men's minds. Why should not both Dioceses, Ranchi and Allahabad, spring into life at the same time? Meanwhile, the Roman Church has a resident Bishop at Chota Nagpore ; the Lutherans administer confirmation, whenever needed. How long will the Church of England hesitate before adopting the only policy which seems forced upon her, by the very success of the past, which demands relief and support in the present, by appointing a Bishop of her own? The Church of England in Chota Nagpore is not identified, as in Tinnevely, with slow progress upwards from small beginnings. There were no early struggles in early days, so common elsewhere, in order to gain a footing and a hearing among the Native population. "She started at once into full possession of life and vigour, entering into other men's labours, indeed, just when those labours bade fair to win the recompense of reward." At the present time, the converts number 13,000, with 15 Native Clergy. The work is one



sufficient by itself, to tax all the strength and energy of any one Bishop. Viewing India as a whole, the increase of Native-Christians is as follows, according to Sir William Hunter, late Director-General of Statistics: 53 per cent. from 1851-61; 61 per cent. from 1861-71; and 86 per cent. from 1871-81; an increase in ratio which is largely attributable, without doubt, to the agency of a Native ministry.

(c.) The claims of Allahabad to become the seat of a Bishopric for the North-West Provinces are no less clear, though of a different kind to those of Chota Nagpore. Allahabad itself is the capital city of an immense sweep of British territory, containing an area of 80,901 square miles, and a population of more than 30,000,000. Its position, in the very centre of India, has exceptional advantages; and it would be precisely the place to hold Episcopal and Diocesan Synods and Conferences on account of its being the grand junction for all the principal railways. When one comes to recount the numerous and important cities and districts of this Province with all their teeming populations and varied interests, it would seem that three more Bishops, at least, were wanted, instead of one to cope with so vast a work. Yet it has, ever since 1814, fallen to the care of the Metropolitan. These are some of the most important places with their populations:—

Saharunpore	...	...	50,000
Deobund	...	...	22,000
Mozuffernuggur	...	...	11,000
Meerut	...	...	80,000
Khoorjah	...	...	25,000
Secundrabad	...	...	16,000
Hattrass	...	...	24,000
Coel	...	...	49,000
Moradabad	...	...	57,000
Sumbul	...	...	42,000
Budaon	...	...	32,000
Bareilly	...	...	106,000
Shahjehanpore,	...	...	72,000
Muttra	...	...	52,000
Agra	...	...	144,000
Ferozabad	...	...	14,000
Ferruckabad	...	...	74,000
Futtehgurh	...	...	11,000
Mynpoorie	...	...	22,000
Etawah	...	...	28,000
Kalpee	...	...	19,000
Mhow	...	...	20,000
Cawnpore	...	...	114,000
Futtehpore	...	...	21,000

Banda	...	...	28,000
Allahabad	...	...	106,000
Jaunpore	...	...	26,000
Goruckpore	...	...	52,000
Mirzapore	...	...	72,000
Chunar	...	...	11,000
Benares	...	...	174,000
Ghazipore	...	...	35,000

Of recent years, a church dedicated to All Saints, and designed by Mr. Emerson, has been erected at Allahabad, worthy, in all respects, to be the Cathedral for the new Diocese. This is no unimportant matter. The symbol of unity should be found in every Diocese, and its effect on the Native mind will be largely in proportion as its plan, services, and general *tout ensemble* are costly and impressive, or the reverse. At present only the chancel with an ambulatory around is permanently built. When completed, it will be 225 feet long in all, and will seat 1,000 persons. The material is red and white stone, and the style that of the 13th century. What with this excellent building, and the new Cathedral at Lahore, it cannot be said that the Indian Church is not up and doing, and has not succeeded in securing the warm interest of the laity; else, surely, such buildings as these would not have been reared. All Saints, Allahabad, was begun however in 1868, and is therefore a monument of patient perseverance. The site is peculiarly good, and the effect, when the enormous nave with its central and two western towers and spires are completed, will be very effective.

(d.) The claims of Assam to be formed into a Diocese, are somewhat different from those of the preceding cases, and rest more upon its remoteness. Yet, in point of population,—it reaches about 2,500,000,—it is comparatively small, but more than enough for one Bishop, whose labours would be largely itinerating. Till lately (and even now, it is largely so), the ministrations of the Church were but very occasional; and yet, the needs of the tea-planters have a distinct claim to recognition. It might be found advisable to detach Dacca and the districts of Sylhet, Cachar, and Chittagong from Bengal, and attach them, as being fairly contiguous, to the Assam Diocese. There are not very many large towns, the chief being Luckimpore, Dibrughur, Nowgong, Gowhatty, Tezpore, and Sibsaur. But the character of the country, no less than its distance from Calcutta, seem to point it out for severance, and a separate organisation of its own.

(e.) Rajpootana can urge claims of yet another kind which, in each case, must be considered apart from others, and on their own merits alone. It consists, mostly, of an immense tract of country reaching from Sind to Agra, skirting the Bombay Presidency on the south, and touching the Panjab on the north.

A great part is desert and unpopulated ; but there are many towns of great importance, and the distinctive characteristics of the dominant race, the Rajputs, seem to invite more special attention than is possible to give it at present. The whole area is 120,263 square miles, and the total population, probably, about 10,000,000. The territory, from its nature, is far behind others in India in point of development and attractiveness ; nevertheless, the Church will not make much headway until this huge burden to the Diocese of Calcutta is removed, and made independent. The chief towns are these : Aboo, Bhurtপুর, Dungurpur, Jessulmeer, Jeypore, Joudpur, Kerowlee, Kota, Oudipur, Pertabgurh, Serohi, Tonk, and Ulwar.

If time is power, opportunity, and influence *in esse*, then, surely, very much of these valuable commodities is lost, year after year, in simply getting over the ground. The time occupied in traversing the limits of the Diocese of Calcutta, as now existing, the tax it imposes on health and strength, not to mention the expense inseparable from Indian journeys, is something considerable, when considered in the aggregate. If it is so now, what must the case have been in the Episcopates of Middleton, Wilson, and Cotton, with their substantial progresses, in something of regal splendour, when as yet railways were not ? People at home have often the vaguest ideas of Indian distances, and measure everything by their own experiences of swinging down to York by the Great Northern Express from London in 4 hours. Let Sir Richard Temple enlighten all such. Speaking at a meeting in Calcutta, held about the time when the new Dioceses of Lahore and Rangoon were under discussion, he said, in his own practical way : " If I may give some idea to our friends at home of the impracticable and unmanageable size of the Diocese, I would ask, what would be thought, if a Bishop in London had at one time to proceed to St. Petersburg to hold a confirmation, and thence to proceed to Constantinople to consecrate a church, and from there to Sicily to hold an ordination, and thence, again, to Seville to inaugurate a public charity ? "

Well nigh from its formation, or, certainly, as soon as its impracticable size was practically felt, efforts have been made by succeeding Bishops of Calcutta, to reduce that size.

XI. The need continuously kept in view.

Bishop Cotton, who frequently contributed to the pages of the *Calcutta Review*, urged at least the creation of a Diocese of Lahore. It is well known how the appeal was emphasised by the death of Bishop Milman, which occurred in the midst of one of those exacting visitations, during all the climatic vicissitudes of the monsoon. His successor has taken up the appeal with earnest purpose. Speaking at the

Conference held at Calcutta in January 1887, he said he wished the subject of the increase of Bishops in India could be dealt with as a whole, so that, by some such means as the Enabling Act which has been urged in this paper, the Church should feel herself free to consecrate more Bishops as she thought fit. He preferred that they should be independent territorial Sees, but, failing this, Assistant Bishops to the existing territorial Bishops; and he added: "If new territorial Sees could be created, I should regard it as a duty and a privilege to relinquish, under conditions which might seem to me to be necessary, a certain portion of the income now attached to the See of Calcutta. At the same time and place, the Conference unanimously passed the following resolution: "That this Conference is of opinion, that the time has come, when, with a view to the spiritual advantage of the Diocese of Calcutta, there should be a large increase of the Episcopate; and that it, therefore, trusts that the Bishop, in conjunction with the Council about to be elected, will give his earnest attention to this question,\* with a view to the most careful consideration of the whole subject, and the setting forth of a plan for its accomplishment." The *Indian Churchman* has also taken the matter up, and rightly declared, that the increase of the Indian Episcopate, is one of the most pressing and important matters connected with the Church in that part of Her Majesty's dominions. In fact, the Indian Church, in this as in other ecclesiastical matters, is feeling the influence of that wave of self-adjustment, which is seen by the effort now being made in England to increase the number of her Dioceses. What was formerly sufficiently effective, is felt to be inadequate now. Most generally, it is found to be true, and borne out by experience, that, given proper machinery, work will flow into it. This is so in regard to railways, patents, inventions, anything, in short which offers increased facilities and adds to the economy and amenities of life; one and all bring work. So do new dioceses bring new Church-life and activities into operation. But there is this to be added: we do not need new Dioceses in order to *provide* work; the work is already to hand, and only requires extra Diocesan machinery to give it due effect.

It is submitted that the plan sketched out in this paper, is perfectly easy of attainment, if Churchmen will but believe in the force of enthusiasm, which disbelieves in the impossible, and both impels and incites to the accomplishment of a well-considered and fixed purpose. Did space allow, some inspiring passages from the sermon preached by the Archbishop of Canterbury at the consecration of Truro Cathedral, on November

XII. Concluding remarks.

3rd, 1887, might here be given, as being very much in point. But one thought must suffice. Having said that an apologetic and dishonoured Church was worse than an oppressed one, he urged English Churchmen to use and claim their birthrights : they were Catholic and Apostolic. Let them rise, strengthen testablish, and found ; and he referred Cornish Churchmen to the recollection of their own Saint, Henry Martyn, to whose memory the Cathedral Baptistry has been built, as an incentive to their religious enthusiasm. Surely, it is not hard to find a parallel to all this in India ! If it is one of the uses of history to evoke enthusiasm, then let Indian Churchmen recall the honoured names of those who, in a double sense, have borne the burden and heat of the day, in planting and uprearing the Church of England in India. By seeing what others have brought about,—and it should be remembered that all subsequent work of whatever kind, is comparatively easy after the pioneer or founding stage has been passed,—the proper impulse is often acquired to go and do likewise. The founding of Bishop's College by Bishop Middleton, the erection of St. Paul's Cathedral by Bishop Wilson (towards which he himself contributed £20,000), the unwearied visitations of Bishop Milman, by which he may be said, almost literally, to have scoured the country from one end to the other, sparing neither body nor mind,—each in different ways exhibiting the grandeur of toil,—these things will surely not merely call forth the praise which admires at a distance, but they must have the deeper effect, of stimulating the enthusiasm of sympathy, until it takes the concrete form of united action.

DONALD J. MACKEY, M. A.

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ART. VIII.—THE MILITARY CAREER OF THE PROPHET MUHAMMAD, WHICH BEGAN A. H. II,  
AND ENDED WITH HIS  
DEATH A. H. XI.

**S**ECULAR history ought to deal with facts only, and to take no cognizance of supernatural causes, by the aid of which different events are sometimes believed to have been produced, especially in connection with the establishment or promulgation of religion ; but in all sacred history the supernatural element is largely represented. This is the reason why secular history claims to enlist the belief of all men, whilst religious history enjoys only that of the professors of the Faith whose origin and phases it describes. Thus, in endeavouring to trace the military career of the Prophet Muhammad, we labour under the disadvantage of only being able to draw our information from sacred sources written by the conquerors themselves, as the conquered have left no written memorials of the struggle in which they succumbed ; we have not gleaned from European authors, as they had access to the same sources only,

The prophetic mission of Muhammad commenced A. D. 609 when he had attained forty years of age ; but as he began to propagate the Faith secretly and continued to do so for three years successively no opposition was offered. The first manifestation of it appears to have taken place at a dinner-party at which he harangued his guests, most of whom were also his relatives, who knew nothing of his mission, and had not yet been converted, although the number of proselytes appears, even then, to have been considerable : as, besides his cousin A'ly, with his uncle Hamzah and O'mar B. Khettáb, some less prominent individuals had likewise gradually made their profession of Islám up to the sixth year of the Mission,

Muhammad B. Esaháq the oldest biographer of the Prophet, informs us that when he commenced to promulgate Islám, the Arabs neither became estranged from him nor resented it, until he spoke disparagingly of their gods ; but that as soon as he began to do so, they accused him of wishing to make himself eminent, denied his assertions, contradicted, and insulted him. The enmity of the Quraysh increased in proportion to the converts in their own Qabylahs, or clans, whom they subjected to sore persecutions, so as to cause several emigrations to Abyssinia, the first of whom consisted only of 11 men and 4 women ; but ultimately the number of emigrants increased to more than 80.

After the above named conversions the enmity of the Quraysh towards Muhammad became so great, that they proposed to his uncle Abu T'áleb to accept, and to adopt as his son O'marah B. Alwalyd, a handsome and intelligent youth of their own tribe, instead of Muhammad, whom they sought to kill. Abu T'áleb was, however, not only unwilling to surrender, but determined to protect, his nephew, and so disappoint their expectations, upon which they forthwith agreed among themselves, by a written covenant 'which they suspended in the Ka'bah, not to have any further intercourse with the Beny Háshem and the Beny Mutalleb. On learning this, Abu T'áleb convoked them, and they unanimously came to the conclusion to take up their abode for the purpose of mutual defence in the *Shi'b* or hollow of Abu T'áleb, the quarter of Mekkah where most of the family usually dwelt. Considering that friendly relations, and even family ties existed between the people within and those without the *Shi'b*, it is surprising that the isolation was allowed to subsist for more than three years, but at last a reconciliation was effected, the writing in the Ka'bah destroyed, and intercourse restored, in the tenth year of the Mission, after the death of Abu T'áleb, followed shortly after, by that of Khodayjah, the first wife of Muhammad.

Although in Mekkah itself the Faith took root but slowly, and Muhammad encountered such opposition in T'ayf that he returned again to Mekkah after a sojourn of only ten days, his preaching to the pilgrims who came annually to the town was more successful, and he thus gained adherents in distant places, who, in their turn, zealously proclaimed their allegiance to him far and wide. Thus matters sped, till the twelfth year of the Mission when many residents in Medinah (who afterwards obtained the surname of Ansár, *i.e.*, helpers) paid homage to Muhammad near the hill of A'qabah without, giving in their allegiance, which, however, was exacted from them the next year, on the same hill, when more than seventy men promised that they would defend him against his foes. Finding his position in Mekkah become critical and the number of his adherents in Medinah more numerous, he considered it prudent to flee to that city for safety, the more so as a conspiracy to take his life was being formed. Some of his relatives, however, although unwilling to make a profession of Islám, nevertheless entertained friendly feelings towards him, in spite of his habit of constantly reviling their gods; so that it is not surprising that he induced his uncle A'bbás, who was a man of some authority, to espouse his cause, which he is reported to have done in the following words: "O ye Khazraj people! Ye are aware that Muhammad is our kinsman! We have protected him against those of our people who are not of the same

opinion with us about him. He enjoys dignity among his people and protection in his country ; nevertheless he disregards them ; as he is desirous to meet you and to ally himself to you. If, therefore, you consider that you will be able to protect him against his enemies, you may accept the burden you impose on yourselves. But if you think that you will be compelled to surrender and to abandon him after he has seceded to you, then let him alone henceforth, because he enjoys dignity and protection in his own country !” This little harangue produced the desired effect, and after an address by the Prophet himself, all present paid him homage by embracing him and pledging themselves to fight for him.

Meanwhile the Quraysh continued to ill-treat those who adhered to the tenets promulgated by Muhammad, and numbers of them were compelled to seek refuge by emigrating, before he had himself carried out his intention to flee to Medinah : some fled into the country, some to Abyssinia, others to Medinah and other places, and were henceforth called *Mohajerin*, or emigrants. Among those who departed from Mekkah before the Prophet, were some who distinguished themselves afterwards, and one of them was O’mar B. Alkhettab.

*A. H. I. (Began 16th July 622.)*

The Muhammadan era begins with the day on which the Prophet fled from Mekkah to Medinah. This flight, or “emigration” as Moslems prefer to call it, had been long premeditated, but was not executed until Muhammad perceived that a longer delay would probably cost him his life. The Quraysh are said to have become apprehensive of trouble in case Muhammad should be allowed to depart ; because, although he had succeeded in gaining over to his views a number of persons in Mekkah itself, they naturally surmised that those of them who had preferred to emigrate rather than to suffer persecution must have found protection in Medinah or elsewhere, and would join Muhammad’s adherents. They convoked a meeting and resolved to kill Muhammad ; but no one could be found to undertake the deed, until Abu Jahal B. Hesham, one of his own relatives, removed the difficulty by the following suggestion : “I propose that we take of every Qabylah one young, smart, strong, and respectable man, and to give to each of them a good sword, wherewith to attack him like one man, and to kill him so that we may be delivered of him ; because if they do this, his blood will be divided amongst us all, so that the Beni A’bd Menáf cannot make it a pretext to wage war against us all for the blood-guiltiness of a few. They will, therefore, have to accept a blood-ransom, and we shall pay it to them.” This proposal was unanimously approved of.



When the conspirators were about to slay Muhammad, they forebore entering his apartment, but watched all night, after having satisfied themselves that he was in it, asleep, and wrapped in his mantle; but as the wary Prophet had taken the precaution to make off under cover of night, leaving A'ly in his bed, one can imagine their surprise on seeing the latter get up in the morning.

No one in Mekkah knew anything about the flight of Muhammad except A'ly and the family of his companion, Abu Bekr. It appears that the two fugitives went on foot as far as a certain cave on Thour, near Mekkah, in which they spent three days, after which they continued their flight on the two camels, provided by Abu Bekr before their departure from Mekkah, and given in charge of a hired servant. When the Quraysh perceived that Muhammad had fled, they promised 100 camels to any one who would capture and bring him back. This nobody attempted to do, strange to say, except one Surâqah, who overtook the fugitives on horseback, but again returned to Mekkah, after exchanging a few words with Abu Bekr.

The proselytes of Medinah were so anxious to receive their Prophet, that they watched the road by which he was to arrive for several days with great eagerness, until, at last, their expectations were fulfilled. After a while, many persons from Mekkah also emigrated to Medinah, and as their houses remained empty, Abu Sofyan Ben Harb actually escheated some of them. This closes the first epoch of his chequered career. Muhammad was now about fifty-three years old, during thirteen of which he had propagated Islam—at first secretly, and then publicly. During these years, as may have been expected, many conversions took place, and among them was that of Selmán the Persian.

#### . A. H. II. (*Began 6th July 623.*)

This year inaugurated the hostilities between those Arabs who had made their profession of Islâm, and those who obstinately adhered to their ancient faith. However, no systematic military operations appear to have taken place at any time, as the primary object of both factions was either retaliation for wrongs suffered and losses sustained, or simply to gain booty. The military expeditions undertaken by Muhammad in person are variously stated to have been from '19 to 27 in number, and are named *Ghaza* or *Ghazvah*, whilst those in which he was not present are stated to have amounted to more than 50 and bear the name of *Seryeh*.

The various accounts about the minor expeditions are so conflicting, that it would be almost impossible to describe them

accurately ; but as they are of very little importance, there is no need to attempt so thankless and difficult a task. Some authors assert that the first *Serjeh* was despatched by Muhammad in command of his uncle, Hamzah B. A'bd-ul-Mutalleb, to intercept a Quraysh caravan, whilst others state that it was commanded by Abu O'baydah B. A'bd-ul-Hâreth, whom the Prophet sent with 60 of the emigrants to attack a squadron of the Quraysh coming from Mekkah under the leadership of Abu Sofyân B. Harb and A'kramah B. Abi Jahl, when an engagement took place, in which both parties shot arrows at each other. The Quraysh were put to flight, on which Abu O'baydah returned to Medinah. Shortly after information was received that a caravan of the Quraysh, which had gone to Syria for trading purposes was just returning. Accordingly, Muhammad despatched his uncle Hamzah with 30 of his adherents to attack it. The two opposing parties encountered each other near the sea-shore, without, however, any hostilities taking place. On another occasion Muhammad himself left the town with 200 proselytes to plunder a caravan of the Quraysh, and proceeded as far as the station of Lowât, but returned again without meeting the enemy. The first engagement in which blood was actually shed appears to have been that of A'bdullah B. Hajah, who had been sent with not more than eighty followers to attack certain Quraysh who were transporting raisins and tanned leather from Tâyf to Mekkah, One Vâqed B. A'bdullah, killed the leader of the caravan A'mru B. O'thmân Al-Hadramy with an arrow, took some prisoners, and returned to Medinah with the booty.

The circumstance leading to the fight of Bedr—a caravan-station on the road to Mekkah—was a caravan of the Quraysh, bringing merchandize from Syria, and led by Abu Sofyân B. Harb, approaching by the usual route along the sea-coast, which Muhammad determined to plunder. He assembled 319—but, according to others, only 305—of his adherents,—80 of whom were emigrants and the remainder helpers,—with 70 camels, mounting two or three on each—having in all but six cuirasses and eight swords among them with only two or three horses—and determined to waylay the caravan which consisted of but 30 or 40 men. Abu Sofyân who was on his guard, having obtained timely information, hastened his march towards Mekkah and despatched Damdam B. A'mru Alghefâry to that city for reinforcements ; but whilst these were got together he himself arrived safely with the caravan and informed the people that there was no longer any need of them. As, however 950, or, according to some, 1,000 combatants, with 700 camels and 100 horses, whose riders were all dressed in

cuirasses, as also some of the foot-soldiers, had got ready to march, they were unwilling to remain at home. The whole army accordingly, started towards the sea-coast. The army of the Moslems had meanwhile continued its march, and Muhammad arrived on the 16th of Ramadan (14th March 624) in the valley of Bedr, which is not far from Yambo, the port where pilgrims going to Medinah usually land. He sent A'ly with some others to reconnoitre ; they met a watering party of the Quraysh, and succeeded in capturing two men, from whom Muhammad elicited the information, that the Quraysh were encamped in the rear of a sand-hill, and that they slaughtered daily nine or ten camels, from which he concluded that they must be about 1,000 strong.

The Quraysh could not have been aware of the approach of Muhammad, else they would not have allowed him to take possession of the wells ; he did so, however, and probably, fearing that he could not guard them, he filled up all except one, so that his people could drink, but not the enemy. A shelter or arbour was built for Muhammad ; near it his riding camels were kept ready, to enable him to flee in the event of the battle taking an unfavorable turn. The fight of Isdr took place on Friday the 17th of the month of Ramadan, when Muhammad arranged the ranks of his followers, with an arrow in his hand, wherewith he straightened the lines. The Quraysh were also drawn up in battle-array, and three of them, namely O'tbah B. Reby'h with his brother Shaybah and his son Volyd, stepping forward challenged the Moslems to fight them in single combat, when A'wuf with Mua'wned and another came forward, who, on being asked who they were, declared themselves to be helpers. To them the Quraysh replied : " We have no need of you ;" while their herald exclaimed " Oh ! Muhammad ! send us men of our people who are our equals !" Accordingly, the Prophet ordered A'ly, Hamzah, and Abn O'baydah to step out, and three duels began simultaneously. Volyd, who attacked A'ly, was slain by him, and O'tbah by Hamzah ; Shaybah, however, wounded Abu O'baydah, whereon, his two companions carried him back after killing his antagonist. This not being considered fair play by the Quraysh, they rushed pell mell among the Moslems, and a general hand to hand fight ensued, during which the Prophet was in his arbour, guarded by several helpers with drawn swords. He appears, however, to have watched the contest very eagerly ; for, when it became very hot, he took up a handful of gravel, and throwing it towards the Quraysh, said : " May their faces be confounded !" The enemy fled, after leaving 70 men slain, on the field and an equal number were made prisoners, whilst only 14 of the Moslems are said to have been killed.

The absence of the murderous appliances of our civilised warfare was one cause why comparatively few lives were lost in the above conflict, but there was another,—the regard Muhammad necessarily entertained for many of his own acquaintances and relatives who took part in this fratricidal struggle, for he issued orders that none of the Beni Hâshem should be killed, because he believed that they had been compelled to fight against their inclination,—more especially his uncle A'bbas and Abul-Bakhtary, who had exerted himself strenuously to get the compact, suspended in the Ka'bah, destroyed ; nevertheless, the life of Abu Jahl, one of the principal Quraysh Chiefs was not spared. After the booty had been collected, all the corpses of the enemies were thrown into the well ; the victorious army returning to Medinah where it was received with great rejoicings. Shortly after, the people of Mekkah sent agents to the Prophet to ransom the prisoners he had made, among whom was also Ad-ul-a'âsy, his own son-in-law. Zaynab, the daughter of Muhammad, also sent property to buy him off, among which was a necklace given to her by Khadiyjah, her mother, when she delivered her to Ab-ul-a'âsy on the wedding day. When the Prophet saw the necklace he was greatly touched, and said to his companions: "If you think proper you may send her both her prisoner and her property," which was accordingly done. Zaynab had made profession of Islam, but her husband had remained a polytheist, which was deemed a sufficient ground for separation ; but as their affection for one another was strong, the wife remained with her husband, who afterwards fought against the Moslems and was made prisoner. There is no doubt that many family-ties were severed, so that relatives were often opposed to each other in these frays.

After his defeat in the valley of Badr, Abu Sofyân, the Chief of the Quraysh, made a vow, that he would neither anoint his body with oil nor have intercourse with women until he had avenged himself on Muhammad, for which purpose he actually approached Medinah during the same year, slew one of Muhammad's helpers, and destroyed some palm-trees to fulfil his vow. On learning this, the Prophet marched out in search of Abu Sofyân, but returned without encountering him, and this was called the Sawyq Expedition, because, forsooth, the Quraysh had thrown away most of the provisions to accelerate their flight ; these consisted of flour-bags (Sawyq) which were eagerly picked up by the Moslems.

Before starting on his expedition to Bedr, Muhammad had concluded a treaty with the Jews of the Beni-Qaynuqâa' tribe, and promised not to molest them on condition of their likewise abstaining from hostilities, and aiding the Moslems against

Ghazvah against the  
Beni Qaynuqâa'.

their foes. It is related that when he returned from Bedr, the Bēni Qaynuqāa' broke their promise, and desired to wage war against him ; but as it is also, incidentally, mentioned that he asked them to make a profession of Islam, which they rejected, we are led to infer that this was the reason of his marching against them. They, however, did not venture to offer him battle, but took refuge in their fort, in which he besieged them during 15 days, and then induced them to capitulate. The entire garrison amounted to 700 persons, all of whom were ordered to leave the country after the expiration of three days, which they did. They travelled to Vady-ul-qará where they remained one month, and then entered Syria where they settled.

So great was the disappointment of the Jews at Muhammad's victory over the Quraysh in the valley of Bedr, that a wealthy Jew, Ka'b B. Allashraf, averred it were better he were under than above ground. He then betook himself to Mekkah to condole with the Quraysh for their loss, and being also a poet, composed various threnodies of which the following is a specimen :—

The mill of Bedr crushed the combatants,  
And a defeat like Bedr is deplored !  
Princes were slain around their cistern.  
Shudder not ! Even kings must fall.  
Many a glorious hero perished there  
Who gave shelter to the poor  
With open hands when stars deceived ;  
He bore loads, the chieftain, and obtained one fourth [of the spoils].  
People whose anger is joy to me, are saying :  
" Ebn Ashraf is not strong in the heel [Ka'b]"  
They said true. Would the earth had, when they were slain,  
Split itself and devoured all its inhabitants !  
May he who stirred this contest with his jibes  
Live to be blind, deaf, and always trembling !

When Ka'b B. Allashraf returned to Medinah, he continued to speak ill of the Moslems and of the Prophet, who expressed his wish to be rid of him, whereon Muhammad B. Maslamah at once offered to carry out his fell purpose ; but it became necessary to decoy Ka'b from the castle in which he lived, by a friendly invitation, and several men falling upon him, did him to death. After this event the Jews became so frightened, that there was not one of them in the district who was not in daily dread of his life.

*A. H. III. (Begun 24th June 624.)*

Abu Sofyán was anxious to avenge the defeat he had suffered in the valley of Bedr. When, therefore, A'bdullah B. Abu Rabya'h, E'kremah B. Abul Jahl, Safuwán, B. Omayyah and other

Quraysh notables also, whose fathers, sons, or brothers had fallen in the action, pressed him to hasten the day and to attack Medinah itself, he could no longer defer taking action, inasmuch as the defeated Quraysh had been promised the aid of their relatives, the dependants of the Kenánah sub-tribes and of the inhabitants of Tehamah. It, however, became necessary to despatch emissaries into the country, and Abu A'zzah who was one of them, furnishes an instance of how slender the ties of allegiance were which bound the proselytes of Muhammad to the new religion; for, this man had not only made his profession of Islám, but, being a slave, was presented with his liberty by the Prophet, and, nevertheless, proved a traitor. At first he, indeed, demurred when Safuwán B. Omayyah said to him: "O Abu A'zzah, thou art a poet! Aid us with thy tongue and march out with us;" but afterwards, he not only consented, but went forth as a kind of recruiting agent for the Quraysh, and roaming about Tchámah, exhorted the Beni Kenanah as follows:—

Ye dreadful sons of A'bd Menát,  
Ye are lions, and your fathers were lions!  
Do not promise me your aid for next year,  
Do not surrender me, surrender \* is illicit.

Musafi' B. A'bd Menáf was another emissary who went about among the Beni Malek B. Kenánah instigating and inviting them to wage war against the Moslems.

Abu Sofyán started towards Medinah with an army of 3,000 men, 700 of whom were cuirassiers, with 200 horses and 3,000 camels, and (for the purpose of inciting the men to fight), 15 howdahs containing women, accompanied the army.†

\* In the original the word is *Islám*, which here bears *this* meaning, and, of course, also that of the new religion promulgated by Muhammad.

† It is well known that in pre-Islamitic times the women of the Arabs used to assist the combatants by giving them water, and taking care of their wounded. They also despatched with heavy clubs any wounded antagonists left on the battle-field. On this occasion the women were particularly conspicuous. The General, Abu Sofyán B. Harb, had brought Hind the daughter of O'tbah; A'kremah. B. Abi Jahl, came with Omm Hakym, the daughter of Al-Háreth B. Heshám, whilst the latter brought Fatimah the daughter of Al-Wolyd, and Safuwán came with Barzah, the daughter of Masu'd. A'mru B. Al-a'ás came out with Raythah, the daughter of Munabbih. Tolhah B. Abi Tolhah brought Sulláfah, the daughter of Sa'd, who was the mother of the sons of Tolhah, namely Musáfi', Aljulas, and Kellab, all of whom were on that day slain together with their father. Khunás, the daughter of Málek, a woman of the Beni Málek B. Hesh, went forth with her son, Abu A'yz, &c. In this battle the women were at first in the rear, shouting and beating their drums to excite the warriors. Hind is said to have uttered the following exclamations:

Hurrah! ye Beni A'bd-uddár,  
Hurrah! ye protectors of the rear,  
Strike with every sha:p scymetar.

A'bbas the uncle of Muhammad, who had not made profession of Islām and dwelt in Mekkah, sent him a letter concerning this expedition, and his first thought was to fortify Medinah; but afterwards he resolved to march forth and encounter the foe. He started on the 6th or 14th Shaw'ul (the second half of March 625) with an army of 1,000 men, 100 of whom wore cuirasses; but when they had marched as far as Shawt, between Medinah and Ohod, A'bdullah B. Obayi returned with one-third of the army, henceforth surnamed "hypocrites," to Medinah, alleging that probably no fighting would take place.

The Prophet advanced as far as the mountain of Ohod which stands almost isolated, and is three quarters of an hour's walk, or about 4 English miles, to the north of Medinah. He encamped in the village of Ohod, and the mountain being in his rear, afforded protection. When the army was drawn up in battle-array, A'kashah commanded the right, and Abu Solmah the left, wing, whilst Abu O'baydah B. Al-Jurrakh with S'ad B. Abi Voqas took the command of the centre—A'bdullah being stationed at a spot called Shekaf A'nyn on the left flank of the army with 50 archers, with orders not to budge from the place whether the Moslems were victorious or not.

Abu Sofyan likewise arranged his forces by appointing Khaled B. Volyd over the right and A'kramah B. Abi Jahl over the left wing, and placing A'bdullah B. Ali Rabyah over the archers who were 100 in number. He gave a banner to Tolhah who was, according to Mirkhond and Khondemir, also, the first to leap out of the ranks as a champion, and was at once cut down by A'ly; but according to the oldest biographer of the Prophet, Abu A'amer was the first to come forward with the confederates and slaves from Mekkah, shouting, and throwing stones at the Moslems, whereon both armies rushed against each other and the combat became general.

At first the Moslems prevailed over the polytheists, and, imagining that they had already gained the battle, began to plunder the camp of the enemy so eagerly, that not even the 50 archers, who had been ordered to remain at Shekaf A'nyn, could resist the temptation. As soon as Khaled B. Volyd and A'kramah B. Abi Jahl perceived the state of affairs, they assailed the Moslems from the rear, killing and

And again :—

If ye advance, we embrace you,  
And spread cushions out;  
But if you retreat, we separate  
With an unfriendly separation.

The war-cry of the Moslems, however, was on that day: "Slay! Slay!" The Quraysh women actually fought during the latter part of this battle. and A'mrah, the daughter of A'lgamah, distinguished herself by elevating a fallen banner, round which they rallied.

puting to flight so many, that not more than 14 combatants remained near Muhammad, who had, in this battle, fought in person. Not only arrows but also stones were thrown, and O'tbah B. Abur Woqás knocked out Muhammad's lower right front-tooth wounding also his lower lip. A'bdullah B. Sheháb Azzohry also wounded him on the forehead, and Ebn Qamyah on the cheek, into which two rings of his helmet entered, so that he at last fell into one of the holes which Abu A'ámer had excavated to entrap the Moslems. A'ly, however, and Tolhah lifted him out, and Málek B. Senán, sucked and swallowed the blood from the Prophet's face. When the above mentioned tooth was extracted, its fellow dropped out likewise, so that he lost two teeth. Meanwhile the rumour spread that the Prophet had been slain, so that the Moslems rejoiced greatly when they found he was still alive.

In this fight 70 Moslems and only 22 infidels were slain, hence both parties claimed the victory; but the former, in lieu of burying their dead, took up a position in the *Shi'b* or hollow of Ohod, and allowed the Quraysh women, the chief of which was Hind, the wife of Abu Sofyán, to mutilate them. These women not only cut off the ears and noses of the dead, but made necklaces, bracelets, and earrings of them, which they paraded in triumph. Hind cut a piece from the corpse of Hamzah the uncle of Muhammad, masticated, and attempted to swallow it, but spat it out again. From the small number of killed given above, it would appear, that, as the contending parties were intimately acquainted with each other, the contest was murderous only among such of the opponents as had personal grudges against each other, or where blood-revenge intensified their hatred. At any rate, Hamzah was slain for two homicides he had committed, and Wahshy, the slave, who killed him was promised his liberty for the deed by his master, Jobeyr, whose uncle had perished at the hand of Hamzah, who had also killed Hind's father wherefore she also incited Wahshy to avenge his death. Abu Sofyán tauntingly poked the end of his lance into the mouth of his cousin Hamzah and said: "Taste, apostate;" and before marching away with his army, he went to the top of mount Ohod and exultingly called on Hobal, his idol, with a loud voice:—

The oracle has spoken true; blame not!

War has different turns!

This is for the day of Bedr! Arise Hobal!

After this an altercation between the opponents took place which, however, went no further than shouting at each other and claiming the victory on both sides, whereon the infidels marched away, and the Prophet sent A'ly after them, to see what direction they were taking, and it was found to be that



of Mekkah. The Moslems next buried their dead and marched in the direction of Medinah as far as Hamrá-ullasad, eight miles distant from it, where they encamped and kindled 15 bonfires to make the enemy—who was supposed to be near—believe that they were numerous. But no further hostilities ensued, and the two opposing armies returned to their respective homes.

*A. H. IV. (Began 13th June 625.)*

Certain men having been sent to Nejd for the purpose of converting the Beni A'ámer, met with poor success; and their chief A'ámer B. Tofayl, although he was disposed to incline towards Islám when he was in Medinah, refused at home to make profession of it. A'mru B. Omeyyah, who was one of the above mentioned individuals, was so enraged at the unfriendliness of the Beni A'ámer, that he slew two of them whom he found asleep by way of reprisal, and then returned to Medinah, The Prophet censured him for this, and deemed it necessary to make arrangements for paying the blood-ransom to the Beni A'ámer, who being on good terms with the Beni Al Nadyr Jews, thought it could be settled through the intervention of the latter. For this purpose, Muhammad actually took the trouble of paying a visit to the fortress of the Jews, who, at first were willing, but afterwards reluctant, to have anything to do with the matter. He, therefore, ultimately returned to Medinah, whence he despatched a message to the Jews, that as they had shown themselves unfriendly, and entertained evil intentions towards him, they must, after the expiration of ten days, emigrate from the country, and that any of them remaining after that time would be killed. The Jews on receipt of this mandate were inclined to comply with his demand, but after all took no steps to do so. Therefore, Muhammad left the town and beleaguered the fortress for fifteen days, during which nothing remarkable took place, except that about ten of them, who had come out during the night—probably to go in search of provisions—were slain by some Moslems who had perceived them. As the Jews suffered from hunger, they sent out an envoy to treat with Muhammad, and an agreement was made that they should lay down their arms, and depart with as much of their property as they could load on their cattle, abandoning the rest to the Moslems. Upon which the Jews emigrated; some of them taking up their abode in the fort of Khayber, nearly due north of Medinah, whilst others dispersed in various directions.

In the month of Sha'bán (January 626) the Ghazvah of the "promised" or "small Bedr" took place, because, after the battle of Ohod, Abu Sofyán had proposed to the Moslems, that they should, on the anniversary of it, again meet, but at

Bedr. As on that occasion one of the companions had given his consent on behalf of the Prophet, the latter now marched out with 1,500 emigrants and helpers,\* who had 10 horses and goods for trading. Abu Sofyán had started with an army of 2,000 men and 50 horses; but as, at that time, a famine prevailed, and he had no provisions besides Sowyaq, he soon repented of his intention and marched again back to Mekkah, whereas the Moslems spent eight days at Bedr, and returned to Medinah only after having sold all their goods at full price. In this year Muhammad interdicted the drinking of wine and the verse: "Surely wine, lots, and images, and divining arrows are an abomination and the work of Satan," (IV. 92) was revealed.

*A. H. V. (Began 2nd June 626.)*

There is a difference of opinion whether the Ghazvah which is called Dát-al-raqáa'—either because the warriors enveloped their feet, wounded among the stones, in rags; or because their banners were ragged—had taken place during the preceding year, or this, or after the conquest of Khayber. The Prophet intended to march to Nejd, against the Beni Muháreb and the Beni Tha'lebah of the tribe Ghattafán, and went as far as Nakhil. At any rate, the duration of the whole campaign is stated not to have amounted to more than a fortnight, and the Prophet returned with his forces to Medinah, because the enemy had retired to the mountains, and watched for an opportunity to attack the Moslems when they were off their guard.

In the month of Rabi', anterior (August), the campaign against Dawmat-al-Jandal† took place; and as is the case with most of them, the historians treating on the earliest years of Islám, do not inform us for what reasons this Ghazvah was undertaken. They merely state that the people of Dawmat-al-Jandal were Christians, against whom the Prophet marched with 1,000 men, who took possession of all the cattle they could lay hands on, whereon the Christians fled, and Muhammad invested the town for several days from which he sent out raiding expeditions in various directions, and ultimately returned to Medinah.

The Ghazva against the Beni Al-Mostaliq who lived on the route between Mekkah and Medinah was undertaken in consequence of a report that their chief, Háreth B. Abi Derár, had collected a large army for the purpose of attacking the

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\* Mohájer and Ansár.

† Situated due north of Medinah. It is reached from Kufah in ten, but from Damascus in eighteen, stages. The lines drawn from these two places constitute a right angle. It is also nearly midway on a line drawn from the extremity of the Persian Gulf to that of Suez, and is the most distant place to which the Prophet ever led his forces in person.

Moslems. Accordingly, Muhammad placed A'ly in command of the emigrants as the vanguard, and gave the banner of the helpers to Sa'd B. E'bádeh ; the right wing being led by Zayd B. Hárethéh and the left by A'kasheh B. Mahsan. The number of combatants is not stated, but it was considerably swelled by that section of the people of Medinah, who always sided with the Moslems when they hoped to obtain booty or expected other advantages ; and were, therefore, dubbed "hypocrites" by them : 30 horses accompanied this expedition, as also two of the spouses of the Prophet. An encounter took place in which A'ly distinguished himself as usual, but, strange to relate, not more than 10 of the Beni Mostaliq were slain, although the number of prisoners, and the amount of plunder was large. On this occasion the daughter of Háreth B. Abi Derár was taken captive and presented to Muhammad, who gave her the name of Jubaryah, and enrolled her among the number of his spouses by marriage.

In the month Showwál (beginning 23rd February 627) the campaign of the Ghazvah of the Ditch, otherwise called the War of the Confederates, began, when, as has been narrated above, the Beni Nadyr Jews were compelled to emigrate from their habitations, and had taken up their abode in the fort of Khayber. Consumed with vengeance against the Moslems, a deputation of 20 of them proceeded to Mekkah, where they had an interview with Abu Sofyán, which resulted in a treaty of alliance with him against Muhammad : similar covenants were also made with other tribes, which joined Abu Sofyán, who marched from Mekka with 4,000 of his own men, having 500 camels with 300 horses, together with the forces of O'yaynah B. Hasan, chief of the Ghattafán, Tolhah of the Asad, Háreth B. A'wf of the Murrah, and others who had joined the Quraysh in Mekkah, so that their army, inclusive of their allies and followers among the Beni Kenánah, with the inhabitants of Tehamah, consisted of a no less number than 10,000 fighting men. To meet this vast host, Muhammed hastened to follow the advice of Selmán Fársy, a Persian convert, who appears to have been his chief engineer, and fortified the approaches to Medinah by digging deep trenches at the foot of mount Salí'. This work in which Muhammad himself occasionally aided and encouraged the thousand emigrants and helpers engaged in it, was finished within the short space of six days. The Prophet ordered the women and children to be placed in safety in the castles of Medinah, and marched out with 3,000 Moslems, and encamped so as to have Mount Salí' in his rear and the ditch in front. His enemies were not a little astonished when they saw the strong position he had taken up.

The two armies remained encamped opposite to each other for nearly a month without fighting, except shooting arrows, off and on. The Quraysh were, however, not idle; they sent emissaries to Ka'b, the chief of the Beni Quraysh Jews, and succeeded in seducing him from his allegiance to Muhammad. They also pressed the siege of the Moslems so closely, that one of their malcontents is reported to have said: "Muhammad used to promise us that we would devour the treasures of the sovereigns of Persia and of Byzantium; but to-day not a man of us is sure of his life when going to obey a call of nature." Muhammad, on his part, also tampered with the allies of the Quraysh, and promised the chiefs of the Beni Ghattafán that he would let them have one-third of the date-crop of Medinah if they agreed to depart with their people and would let him alone; but Sa'd B. Moa'ád blotted out all the writing of the proposed document, and it was annulled with the consent of Muhammad.

One day some of the outlying picquets of the Quraysh discovered a narrow spot in the trenches and whipped their horses till they leaped across it, and challenged the Moslems to produce a champion to fight A'mru B. A'bd Wudd; whereon A'ly rushed out on foot and the two antagonists met. As A'mru refused to alight A'ly, in a contemptuous manner said he gave Amru his life. Stung to madness by the taunt, A'mru immediately dismounted and the duel commenced by his cutting through the buckler of A'ly with his scimitar, whereon the latter cut him down at once. Finding their champion dead the companions of A'mru fled and succeeded in crossing the ditch, save and except Nowfel B. A'bdullah whom the Moslems killed with stones in the fosse into which he had fallen.

After that the two parties continued to assail each other from either side of the trench with stones and arrows, till one day Noa'ym B. Masu'd, who was predisposed to become a Moslem, presented himself secretly to Muhammad, and made him an offer to sow dissension among the confederates, which was gladly accepted. Accordingly, when he returned to the camp he suggested to the Beni Quraysh, that if they and the Ghattafan should be worsted by Muhammad, he would not fail to revenge himself upon them when they returned to their own homes in the vicinity of Medinah; that they should, therefore, retain a large number of them and of the Ghattafan with themselves, so as to insure the return of both these tribes to aid the Beni Quraysh as soon as Muhammad attacked them. Having induced them, by such plausible pretexts to agree to his proposal, Noa'ym paid a visit to Abu Sofyan and to the other Quraysh as well as to the Ghuttafan chiefs, whom he warned not to leave

any hostages with the Beni Quraysh, as they intended to deliver them to Muhammad.

The next day, which happened to be a Saturday, Abu Sofyán informed the Beni Qurayzah, that as the confederates had been long encamped before Medinah and no more forage could be had, they ought to attack Muhammad so as to bring matters to a crisis. To this they demurred, declining to assail the enemy on their sabbath or without receiving hostages, for fear the Quraysh and the Ghattafán might depart. This confirmed the information given them by No'aym. Thus, the seeds of dissension having been sown, disputes arose, and they ultimately broke up camp and dispersed to their homes, after besieging Medinah for nearly a month. The loss of life, however, in this contest was extremely trifling, as not more than 3 confederates and 6 Moslems perished.

When Muhammad had thus isolated the Beni Quraysh he was not slow to avail himself of the advantage, gained, and promptly sent Bellál, his favourite manumitted slave, the very day the enemies departed, as a herald through the streets of Medinah,

Conquest of the Beni Quraysh.

inviting all men who obeyed the Prophet, to march against the fortress of the Beni Quraysh. In this expedition the army consisted of 3,000 men with 36 horses. The assailants on approaching the walls of the fortress were greeted with a volley of objur-gations to which they were not slow in replying, the Prophet himself taking part in the war of words and calling the Jews, brothers of monkeys and of pigs. So elated was he with the success of his plans, that his tent was pitched in front of the walls, of the besieged, who never ventured to leave them except when pressed by hunger. On the 25th day of the siege, the Jews desired to negotiate, and ultimately agreed to the proposal of the Prophet that Sa'd B. Mo'ád should be made the arbiter between him and them. Sa'd had been wounded by an arrow from the Beni Quraysh in the War of the Confederates in the trenches, and being too weak to take part in the present expedition, had remained at Medinah, whence he was now brought. He decided that all the males of the Beni Quraysh should be slain, that their women and children be made prisoners, and that all their property should be surrendered to the Moslems. Traditions however differ as to the number of men who came out of the fortress. Some have it there were 400, others 700, and some even 900; but whatever the number of the garrison were, they were all bound and conveyed to Medinah. In the castle itself 1,500 swords, 300 cuirasses, 2,500 bucklers with a great quantity of domestic utensils, flocks of sheep, camels, and horned cattle were taken. Ultimately, the Prophet had a trench dug, to which the garrison were led and beheaded; and it

is said that whilst the execution was in full swing, the wound of Sa'd opened, and he bled to death. The names of the two Jewish chiefs, executed on this occasion were Ka'b B. Asad, and Hyayi B. Akhtab. As his share of the booty, the Prophet selected Rayhanah, a Jewess, for himself; and she remained with him till he died, preferring to be his slave rather than to become one of his wives.

*A. H. VI. (Begun 23rd May 627.)*

During the last month of the past, and the four first months of the present year the Prophet rested his troops in Medinah. He then undertook various other little expeditions, and, although his force amounted to only a couple of hundred men, the fame of his barbarities made his opponents quail before them. Thus, the result of the expedition against the Beni Lehyâm, is very concisely stated in the following verses of Ka'b B. Mâlek:—

Had the Beni Lehyâm waited,  
They would in their homes have met braver troops  
To fill the herds with terror. These are  
Foremost in battle, like stars and destroyers.  
But *they* were rabbits: they fled into the  
Hollows of Hejaz, and crawled not out.

In the eighth month of this year, namely Sha'bân, the Prophet undertook an expedition against the Beni Mostaleq, whom he speedily put to flight; but, during his return from it, an episode occurred which endangered the reputation of A'âyshah, the favourite wife of Muhammad, who was afterwards exculpated In Chapter XXIV, v. 11 of the Qorân, the case is obscurely alluded to, but explained in a footnote by Sale. During the ninth and tenth month the Prophet remained in Medinah; but in the eleventh, namely Dulqadah, he started on a pilgrimage to Mekkah, after inviting the surrounding Arabs as well as the nomads to accompany him, because he apprehended that the Quraysh might either attack or hinder him from performing the pilgrimage. To allay distrust he took with him the animals needed for the sacrifice, and assumed the pilgrim's garb, that the people might be satisfied he entertained no warlike intentions. These measures, however, proved futile; and he was not allowed to perform the pilgrimage. As the caravan progressed, various hostile tribes visited him, and gauged the great power Muhammad had attained. Indeed, such was the veneration entertained by his adherents for his person that when a hair fell from his head, it was carefully treasured up, and even when he spat they picked up his saliva. Moğhayrah, who had witnessed these idolatrous incidents, on his return thus addressed his kinsfolk: "O ye Quraysh people! I have seen the Kesra (Sovereign of Persia) in his own country; the Qayser (Sovereign of Byzantium) in his dominions, and the Najjâshy (Sovereign

of Abyssinia) in his country ; but, by Allah, I have not seen the King of any nation honoured like Muhammad among his companions ! Verily, these people will never abandon him at any price. Act, therefore, as you think proper."

When Muhammad had approached Mekkah as near as Hudaybyah, the Quraysh despatched  
 The treaty of peace. Suhayl B. A'mru to his camp, in order to negotiate an armistice between the Polytheists and Moslems for ten years and a treaty to that effect was drawn up. As the Quraysh objected to the words "Apostle of God" affixed to the name of Muhammad, he yielded the point and dictated the treaty as follows :—

THIS IS THE TREATY OF PEACE BETWEEN  
 MUHAMMAD B. A'BDULLAH AND SUHAYL B. A'MRU.

"They have agreed to cease from waging war against each other for ten years, during which time also their people shall cease from making war on each other. Should Quraysh fugitives come to Muhammad, he is to send them back ; but if fugitives come to the Quraysh from Muhammad they are not to be surrendered. Enmity is to cease completely ; and neither robbery nor theft must occur between the contracting parties. Any person will be at liberty, if he likes, to make a treaty of alliance, either with Muhammad or with the Quraysh."

On the ratification of the treaty the Khozáa'h rose and professed themselves to be allied to Muhammad, whilst the Beni Bekr rose and said that they would be with the Quraysh, but, nevertheless, stipulated that if Muhammad would go away this time, and defer his pilgrimage till the next year, they would throw no obstacles in his way, and allow him to remain with his people in the city three days, but unarmed, except swords, according to the manner of travellers.

The Moslems were, naturally, disappointed and vexed at this result of their pilgrimage ; and, there was a contention whether it should not be persisted in in spite of the promise to the contrary. Muhammad allowed, some of the preliminary ceremonies—such as the slaughtering of victims and the shaving of heads—to be performed, and did so himself, but kept his word and returned from Hudaybyah to Medinah, after a stay of nearly twenty days. At the end of the year envoys were sent to the following six potentates with letters, inviting them to embrace Islám, namely :—Najjâshy King of Abyssinia, Heraclius, the Qayser of Byzantium, Khosru Parvyz, the Ruler of Persia, Maqauques, the Governor of Alexandria, Khâres, B. Shammar, Governor of Syria, and Házah B. A'ly, the Vály of Yemámah.

*A. H. VII (Began 11th May 628.)*

In the month of Muharram without any previous warning the Prophet marched with an army of 1,400 men against the Jews of Khayber who were not a little surprised when they sallied out one morning, with their hoes and baskets to pursue their daily avocations in the fields, to perceive the Moslem army. They immediately retired into their stronghold, which they defended till it was captured. It appears that the Moslems had during several days assailed the castle ineffectually, and that A'ly was either at Medinah, or took no part in the contest, as he is said to have been suffering at that time from ophthalmia and headache. When, however, the Prophet requested him to engage in the strife, he complied with such ardour, that neither heat, nor cold, nor his indisposition could check it. He attacked the fort of Alqamús, planted his banner on a stone-hillock in front of it, and slew, in single combat, two or three champions, who had come out from the fort, whereon the fight became general. It is said that when his buckler was destroyed in the *melee*, he lifted a door from its hinges, and used it instead.

After the fort had capitulated, the Jews were told, that each of them might take his departure with a camel-load of food, but that all other property was to be abandoned to the Moslems, and any attempt to conceal any would be punished with death. Nevertheless, one of the Jews, Kenánuh B. Ab-ul-haqayq, had filled a camel-hide with gold and jewels, which he concealed; wherefore, the Prophet ordered him to be slain by Muhammad B. Moslemah, whose brother had lost his life in this campaign. The booty taken by the Moslems in the fort of Khayber consisted of provisions, cloth and cattle. In the fort of Alqamús, they found 100 cuirasses, 400 sabres, 1,000 lances, and 500 bows; one-fifth of which fell to the share of Muhammad, and the rest were distributed among the men. Safiyyah the wife of Kenánah Ab-ulhaqayq had fallen to the share of Daheyah, or he had, according to other accounts, merely asked the Prophet for her. Muhammad, however, selected her for himself, and by marrying her, made her one of the mothers of the True Believers. The Jews were for some time allowed to remain and to cultivate their lands in Khayber, but were afterwards expelled. In this campaign 93 Jews and only 15 Moslems perished.

\*Before he departed from Khayber, Zaynab, the daughter of the Jew Háreth, and wife of Sallám B. Meshkam sent a roasted sheep to the Prophet.

Having made inquiry as to the part he liked best, and learning that it was the leg, she put more poison into it than into the other portions. The Prophet took a bite, and, finding it unpalatable, spat it out, whilst Beshr B. Al-bardá



swallowed the piece he had rejected, and died shortly after. The woman, on being called, confessed her crime, and is reported to have replied to the Prophet as follows: "It is no secret to thee, what feelings my people entertain towards thee. I said to myself, if he be a king we shall be delivered of him, but if he be a prophet he will be put on his guard." The Prophet forgave her.

It appears that now Muhammad was bent on subjugating all the Jews he could reach, because, instead of marching from Khaybar southwards to Medinah he took a direction nearly due west towards Vády-l-qora, the Jews of which place, being aided by other Arabs, fought for their independance. The struggle lasted only one day. They were conquered and promised to pay a capitation-tax, whereon the army sacked the place and returned to Medinah.

This year the Prophet sent B. A'mru Omayyah to Abyssinia to bring over the refugee Moslems who had not yet returned from that country. He arrived with them, in two ships, during the expedition to Khayber.

In this year the Prophet performed, with 2,000 emigrants and helpers, the pilgrimage to Mekkah, according to the stipulation with the Beni Bekr. It is, therefore, named the "Decreed Pilgrimage" (O'mrat-ulqadá) by some, whilst others called it the "Pilgrimage of Retaliation" (O'mrat-ulqesás), for the abortive one of the month Dulqadah, A. H. 6. When the Prophet made his entry into Mekkah, no excitement whatever appears to have occurred. He was allowed to perform the ceremonies, and it is stated that the people kept out of his way. His uncle A'bbas B. Abd-ul-Mutalleb permitted him to espouse Maymúnah, the sister of his own wife, to whom he also paid 400 dirhems as a dowry instead of the Prophet, who now contemplated a longer stay. But the Quraysh had deputed Huwaytab B. A'bd-ul-u'zza, with several men of note to induce the Prophet to leave. They said: "Thy time has elapsed! Depart from us!" To which he replied: "What difference would it make to you if you were to allow me to hold my wedding in your midst, and prepare for you a repast, at which you might be present?" To this they would not listen, and as they persisted in his leaving he departed.

#### *A. H. VIII. (Begun 1st May 629.)*

In the meanwhile the Prophet had attained such influence, and the faith had made such progress, that many who had fought against him—and among them were men of distinction such as Kháled B. Alvolyed, A'mru B. Al-a'ás, O'shman B. Tolhah, and others—came to Medinah and made their profession of Islám.

During the first four months of this year no military operations were undertaken, but in the fifth, the Prophet sent an army of 3,000 men to Syria, which he accompanied a short distance and then returned. This army was defeated in the battle of Mútah, and both its Generals, namely Zayd B. Hárc-thah and Ja'fer B. A'bu Tálcib fell in it, as

Defeat at Mútah.

well as some other prominent leaders. The oldest biographer of the Prophet assigns no reason why this expedition was undertaken, but others assert that it was sent to chastise Shorahbyl B. A'mru Ghussany, an officer of the Qayser, for having slain a messenger despatched by the Prophet to the Governor of Bosrah. The exaggerated numbers assigned to the Byzantine troops and the presence of Heraclius himself with them, as reported by the chroniclers, naturally palliate the discomfiture of the Moslem army; for we read, that when it halted at Mua'an in Syria, information was obtained that Heraclius, the Emperor of Byzantium was encamped at Máb in the district of Balqa with 100,000 Byzantines, who were reinforced by another army of 100,000 men from the Arab tribes Lakhm, Judán, Alqayn, Bahra, and Bály. If this be true, it is surprising that the Moslems continued to advance as far as a village in the province of Balqá named Mashárcf, and began to retreat only when they were face to face with the enemy near the village of Mútah. In the encounter which ensued, the Moslems were put to flight after a hot contest. No details, however, of the battle nor of the numbers slain are given, although the personal bravery of the generals is extolled; for, when the right hand of Ja'fer B. Abu Tálcib, in which he held the banner was cut off, he grasped it with his left, which shortly after shared the same fate. Nothing daunted, though faint from loss of blood he embraced it with the stumps of his two arms and held it up till he was slain, when A'bdullah B. Ruwálah raised the standard till he was cut down. Notwithstanding the heroic stand that was made against such fearful odds, when the army returned to Medinah it was met with reproaches by some, but with compassion by the majority, and many threnodies were composed about it; an excerpt from one of which is as follows:—

On the morn they marched with the Believers  
To death ! Led by an able, blooming commander  
Shining like the moon, of the race of Háshem,  
Brave, and who'd spurn suspicioun of an evil act !  
He fought till he fell, unsupported,  
In a battle-field of broken lances ;  
His reward is with those who martyrs are  
In paradise, with gardens blooming green,  
We have seen Ja'fer faithful to Muhammad  
Earnestly fulfilling all his behests.

In Islám the family of Háshem always  
 Furnished pillars of strength and glory.  
 They are the mountains of Islám, and the people around  
 Are they which built up the brilliant victorious hill.  
 To them be honour, and to Jáfer with his cousin  
 A'ly, and Ahmed the elect and Hamzah,  
 And A'bbás, and many others with O'qayl.  
 There aloe-water is pressed out :  
 Through them the land is delivered in distress  
 From war, when the issue is narrow to the people.  
 They are the saints of God ; He revealed His commands  
 To them, and they are the possessors of the Holy Writ.

As the conquest of Mekkah would have been the crown of all the previous exploits of the Moslems, and would have thrown their defeats entirely into the shade, it was brought about, thus :— After the peace of Hodaybyah, the Beni Khozaa'h sided with

Muhammad and the Beni Bekr with the  
 The conquest of Quraysh, because they had always been  
 Mekkah. at variance with each other. Their enmity broke out afresh when one of the Beni Bekr calumniated Muhammad and was reproved by one of the Beni Khozáa'h for it. This little spark of contention rekindled the flame of war, especially after some Quraysh leaders—among whom were also Sohayl B. A'mru, Khoitab B. A'bd-ul-u'zza and E'kramah B. Abijahl having disguised themselves to aid the Beni Bekr, headed a night attack against the Beni Khozáa'h. Abu Sofján, therefore, determined to put a stop to the bloodshed by going personally to Medinah and treating with Muhammad himself, whose father-in-law he also was. Accordingly, when he arrived in Medinah, he went straight to the house of his daughter, Habybah Bint Abu Sofyán, never suspecting that her affections had become estranged from him. On taking his seat on a bed, which was that of the Prophet himself, the lady quickly began to fold it up with the remark that as her father was an impure polytheist he had no right to sit on it. Disgusted with this reception, Abu Sofyán immediately withdrew and sought to an interview with Muhammad ; in which all his efforts to bring about a treaty proved unavailing, and he returned to Mekkah.

Either the anxiety of Abu Sofyán to avoid hostilities, or confidence in his own power which had now become very great, prompted Muhammad to make immediate preparations for the conquest of Mekkah, without, however, revealing to any one his real object. He also sent emissaries to the surrounding Arab tribes with the message that every man having faith in Allah and his Apostle, should present himself fully accoutred for war in Medinah during the blessed month Ramadán. A man of the name of Khateb secretly despatched a letter to inform the Quraysh of the preparations of Muhammad ; but the woman who bore

it, was caught at some distance from Medinah, and on being threatened with instant death took it out from her hair, where she had concealed it. When the Prophet asked the traitor why he had sent the information to the Quraysh, he replied that, although he was, with his life and soul, devoted to Muhammad, he would not allow the opportunity to escape, of doing service to the Quráysh, because his whole family was living in Mekkah, and might at any time be slain on account of his defection from them.

The Prophet started from Medinah on the 10th of the month Ramadán (2nd January 630) with 700 emigrants, together with the Beni Aslamah who numbered 400, and the Beni Ka'b, 500. Gradually, however, the army swelled to 10,000 men, which filled the Quraysh with dismay. A'bbás, the uncle of the Prophet with Abu Sofyán B. Al-Háreth, and A'bdullah B. Abi Omayyah met the approaching army, which marched a few stages further on, encamped in Marr-al-zahrán at a distance of four Farsakhs from Mekkah and countless confires were kindled. The nobles who had come out of the city to reconnoitre, were now anxious to return, in order to impress the inhabitants with an account of the overwhelming forces of Muhammad, so that he might be allowed to take possession of Mekkah without resistance on their part, because of the certain defeat that would ensue. Before capitulating, however, they were all induced, partly by persuasion and promises, and partly by threats, to make their profession of Islam; and the Prophet having been informed by A'bbás that it would be good policy to distinguish Abu Sofyán, who was a very influential and ambitious chief, by some special favour, Muhammad replied: "Well, whoever enters the house of Abu Sofyan, shall be in security, and whoever shuts himself up in his own house shall be in security, and whoever enters the mosque shall be in security." These words, however, did not seem to imply that violence would be offered to persons not availing themselves of these places of security, nevertheless whilst the troops were marching into the city, an officer, Sa'd B. O'badah by name, was heard to say:—

This day is a day of slaughter!

This day the sanctuary will be profaned!

He was, therefore, suspected of desiring to attack the Quraysh, and was summarily deprived of his command by the Prophet who exclaimed to A'ly: "Overtake him! Deprive him of his banner, and take command." On the other hand, A'bbás, also, apprehending a collision on the part of the Quraysh, took the precaution of posting himself with Abu Sofyán on a spot where he could see the whole army defiling past, so as to make it evident to Abu Sofyán that any resistance on the part of the Mekkans would be of no avail. When the troops entered

the city, Zobeyr, the emigrant, was ordered to take up a position in the upper part of Mekkah, and to plant his standard on the Hajún; whilst Kháled B. Ul-Volyd with the Beni Aslam and Ghuffár occupied the lower part, and similar posts were assigned to other commanders. Stringent orders were issued that the Moslems should attack no one, but only defend themselves when assailed. But, in spite of this humane and wise order, bloodshed could not be altogether avoided, inasmuch as E'kramah B. Abi Jahl, Safuván B. Omayyáh, and Sohayl B. A'mru, with a number of malcontents, attempted to intercept the march of Kháled B. Al-Volyd, and, thus 28 of them were slain.

Although the Prophet had ordered the Moslems only to defend themselves if attacked, there were some whom he commanded to be slain, even though they should be found under the curtains of the Ka'bah. Their number was, however, small; but it appears that, after all, the lives of most of them were spared. When the town had become quiet, the Prophet rode on his camel seven times around the Ka'bah. He then entered it, and had all the idols, which were fixed there with lead, removed. He also sent out expeditions to the localities around Mekkah in order to invite the people to make profession of Islám, and deputed Kháled B. Al-Volyd to visit the lower parts of Tehámah to convert the people, but not to attack them. He, however, used violence against the Beni Jadhynah, killed several of them, and destroyed the famous idol of U'zza at Nakhlah, which was venerated by a branch of the Quraysh, the Kenánah and the whole of Mudar—the guardians and gate-keepers were the Beni Shaybán, a branch of the Beni Sulaym, allies of the Beni Háshem. When Sulmy the owner of the idol, heard of the approach of Kháled, he suspended his sabre above the idol U'zza, and leaning himself against the niche in which it was enshrined recited:—

Oh ! U'zza fight and inflict incurable wounds  
On Kháled. Throw away thy veil, gird up thy loins,  
Oh ! U'zza. If thou killest not the man Kháled,  
Retreat loaded with guilt, or become a Christian.

Thus, the conquest of Mekkah brought on the submission of many Arab tribes, save the Beni Howázen and the Beni Thaqif who kept aloof under the leadership of Málek B. A'wuf Al-Nasry. The number of their forces is, however, uncertain. Khondemir puts them down at 30,000, but at the same time mentions that, according to the Raudat-ullahbáb, they amounted to not more than 4,000 men. To attack these two tribes the Prophet left Mekkah with 10,000 or 12,000 men, and encountered them three miles from the city in the

Vády of Honayn, but as the roads were narrow, the forces had to march in Indian file. The enemy who were ambushed among the rocks first poured torrents of arrows upon the Moslems, and then, simultaneously, rushed upon them from their ambuscades in all directions, so that a panic ensued ; but the first who took to flight were the Beni Selym with the cavalry of Kháled B. Al-Volyd. The panic became so general, that not more than ten persons,—and, according to some authorities only four,—remained with the Prophet whose shouts to arrest the fugitives proved ineffectual, so that while seated on his mule, the bridle being held by Abu Sofyán and A'bbás B. A'bd-ul-Mutaleb, Málek B. A'wuf actually approached him. Muhammad, however, threw a handful of gravel against the foes, whereon fortune turned, and they were put to flight ! The following is said to have been recited by Buj-ayr B. Zuhayr on the day of Honayn :—

Had it not been for Allah and his servant ye would have fled—  
 When fear took possession of every coward  
 In the valley—when our enemies showed themselves,  
 When swift-footed horses and loaded camels ran  
 Among the fugitives who carried their clothes in their hands,  
 And prostrated by the breasts and hoofs of horses.  
 Allah honoured us, and promulgated our religion.  
 He strengthened us for the service of the Merciful.  
 Allah extirpated them and dispersed their crowds,  
 And abased them for the service of Satan.

When we read that in this battle, in which so many thousands are said to have been engaged on both sides, only four Moslems and seventy polytheists lost their lives, we become somewhat sceptical about the actual magnitude of the forces engaged, as well as about the ardour with which they are said to have fought. But as the booty obtained consisted of 34,000 camels and more than 40,000 sheep, it would appear that the enemy kept all their cattle near the field of battle.

When the fugitives of the Bená Thaқыf had reached Táyf, they locked the gates of the town and prepared to defend themselves.

The Prophet besieged the place for 18 days, and was unable to take it, although

Ebn Esahaq reports that he had engines. On that occasion cross-bows were for the first time used ; and though the companions of Muhammad approached the wall of Tayfunder under cover of a mantlet in order to breach it ; the Thaқыf threw upon them ploughshares heated in fire, so that they were obliged to abandon it. Abulfeda also mentions the use of the catapult or *Manjanyq* in the siege of Táyf. Failing to invest the place they destroyed all the vineyards in the vicinity, but the garrison still held out. The Prophet sent a message to Málek B.

Awuf that if he would surrender Táyf and become a follower of Islám, he would be rewarded in various ways. He complied, and obtained not only a present of 100 camels but was appointed chief over the following Qabylahs or subdivisions of his tribe who had become Moslems :—the Thumálah, Salmah, and Fahm.

In spite of the example of Málek the people of Táyf refused to become Moslems, so the Prophet was obliged to go to Mekkah where he performed the pilgrimage, but the inhabitants held to their pre-Islamitic usages, whilst the ceremonies of the Moslems was presided over by A'tab Asyd.

#### *A. H. IX. (Began 20th April 630.)*

The Prophet now turned his attention to the sinews of war, and, with the view of replenishing his exchequer, sent tax-gatherers in various directions for the purpose of collecting *Zekát*, i. e., legal alms; and of the party, only the one sent to the Beni Tamym appears to have met with a refusal. They were, accordingly, plundered, and eleven men, with as many women and thirty children, were captured, and sent to Medina, but were, on making their profession of Islám, liberated and dismissed with gifts.

The campaign of Tabúk originated from a report brought by a caravan returning from Syria that the Byzantines were preparing to attack Medinah. This campaign, in which all the surrounding tribes were invited to join, was undertaken at a time of famine; but the wealthier portion of the Moslems provided the destitute combatants with all necessities, and the army started from Medinah in the month Rajab with 10,000 horses and 12,000 camels, but the number of men is not precisely given. Water as well as provisions being scarce during the march, and the heat being excessive, the army suffered much, and a number of 'hypocrites' who had accompanied it in the hope of speedily obtaining booty, contributed much to its demoralisation by their cowardly insinuations of impending misfortunes. A prey to gloomy apprehensions, and amidst the defections of deserters, the Prophet arrived at the springs of Tabúk where abundant water was found, and at the same time learned that no Byzantine general intended to attack Medinah. Accordingly, Muhammad returned with all his forces to the town, after detaching Kháled B. Al-Volyd with 420 horsemen to attack Kayder B. A'bd-ul-malik, the Christian chief of Daumat-ul-Jandal. This chief happened to be hunting with his brothers and a number of other Arabs, when Kháled surprised and took him, with some of his companions, prisoner. Some escaped and took refuge in their fortress. When Kháled, however, sent a herald to inform Kayder that he would guarantee his safety, and his position as chieftain

of Daumat-ul-Jandal, and also favourably introduce him to the Prophet, if Kayder ordered the gates of the fort to be opened. He would also present him with 2,000 camels, 600 horses, 400 cuirasses and 100 spears. Kayder agreed and Kháled kept his word ; but the former was finally compelled to make a profession of Islám ; and a church which a Christian monk of the Beni Khozrej tribe, had constructed in Medinah itself, was, by order of Muhammad, demolished.

During this year numerous deputations from all parts of Arabia arrived with presents, received instructions in the tenets of Islam, and propagated them on their return among their people. Although violent resistance to the spread of the Faith had now become well nigh impossible, it, nevertheless, happened that during this year certain Arabs who had not yet become Moslems assembled in the Vády-ul-raml (Sand-valley) and were reported to be preparing for a night-attack on Medinah. Accordingly, Abu-Bekr was sent against them ; but retreated as the Vady was full of trees as well as rocks, and was almost inaccessible. His Lieutenat O'mar was, likewise, foiled in his attempt to dislodge them, A'ly arrived, when the three together subdued the polytheists. Now, the Thaqyrites finding they were not strong enough to fight with the Arabs who dwelt around them, came and made submission to Muhammad ; and made their profession of Islám.

In this year Muhammad intended to go on pilgrimage to Mekkah, but either he was apprehensive it might not be as prosperous as the first pilgrimage, or, as is more probable, his health was not strong enough to enable him to undergo the fatigue of travelling, and he refrained from doing so. Nevertheless he sent towards the close of the year, Abu-Bekr with 300 emigrants and helpers to Mekkah, in order to teach the people the proper performance of the ceremonies of the New Faith ; but more so for the purpose of renouncing all treaties with those Arabs who would neither acknowledge Muhammad to be a prophet, nor become tributary to him. This renunciation was to be announced by publishing the chapter of the Qurán, or a portion of it, called the *Declaration of Immunity*, in Mekkah ; and although it is said that this chapter is the last which was revealed, it stands the ninth, whilst some believe that the fifth was revealed the last. To insure the better execution of his commands, Muhammad sent also Aly with Abu Bekr. They were to read the said chapter conjointly with the proclamation of the following four points :—

“ No one except a Believer can enter Parádisé ;  
 No one is henceforth to walk round the Ka'bah stark naked ;  
 No infidels are to perform the pilgrimage ; and, lastly,



Such of them as have made treaties with Muhammad, must, after the expiration of four months, become Moslems, or be liable to forfeit their lives and property."

Had not the authority of the Prophet become paramount even in Mekkah, his envoys would never have been allowed to execute their commission; they, however, did it successfully, and returned to Medinah.

*A. H. X. (Began 9th April 631)*

This is known as the Year of Deputations, because the tribes from all directions came to pay homage to the Prophet. Many of them had delayed to make their profession of Islam, as long as they found that the Quraysh were opposing it and offering resistance to Muhammad; but after he had captured Mekkah, and the Quraysh were reconciled to him, they at once came forward and tendered their allegiance. Not only were they received with pleasure, but dismissed with gifts, and were enjoined to demolish their idol temples. Musaylamah B. Habyb who set up to be a rival prophet of Muhammad and was surnamed "the liar," also made his appearance at Medinah with a deputation from the Beni Hanyfah. There is no doubt that an interview between him and Muhammad took place, but that the latter went for that purpose to the house where Musaylamah Ben Habyb had put up, as some chroniclers relate is highly improbable, as all agree that the meeting was by no means of a friendly character, and that the Prophet who held at that time a withered palm-branch in his hand said to him: "If thou hadst asked me for this withered palm-branch, I would not give it to thee." After his departure Musaylamah sent the following letter:

From MUSAYLAMAH, the Apostle of God,

To MUHAMMAD, Apostle of God.

Greeting to Thee!

But after [this preamble, I inform thee] I am thy partner in dominion! One half of the earth will belong to us, and the other half to the Quraysh, but the Quraysh people are transgressors." The two messengers who brought the letter were asked what they had to say to it, and on professing to be followers of Musaylamah, the Prophet assured them that had they not been envoys he would have struck off their heads.

He then indited the following reply:

"In the name of God, the Merciful, the Clement!

From MUHAMMAD, the Apostle of God!

To MUSAYLAMAH, the Liar!

Salutations to him who follows the guidance!

But after [this preamble, I tell thee that] the earth belongs

to God, and He bestoweth it as an inheritance upon those of his servants whom He pleaseth; and the pious will meet with a happy end."

This was at the end of the tenth year.

Although warlike expeditions on a small scale were sent out by the Prophet from time to time up to the date of his death, he joined none of them personally, and does not appear to have left Medinah except for the pilgrimage which, having been the last, was style of *حجة الوداع* the "Farewell Pilgrimage." The multitude which accompanied him on this journey is variously stated to have amounted from 114,000 to 124,000 all of whom performed the prescribed ceremonies, not according to the pagan, but the Moslem fashion, which he showed them.

We have already, at the end of A. H. VI., alluded to the envoys sent to various potentates for the purpose of inviting them to embrace Islām; but Muhammad Ben Esahāq the oldest biographer narrates and gives a list of his warlike expeditions as follows: "All the campaigns of the Apostle of God in which he was present are twenty seven in number—namely, the campaigns of Waddān or Abwā, of Buwat in the region of Radwā, of U'shayrah in the valley of Yambua', the first Bedr against Kurz B. Jabr, the great Bedr wherein God slew the Qurayshchiefs, of the Beni Sulaymas as far as Kudr. The Sawyq campaign against Abu Sofyān B. Harb, of Ghattafān, *i. e.*, of Du Amarr, of Bahrān Ma'dn in the Hejāz, of Ohod, of Hamr-ulasad, of the Beni Al-nadyr, of Dat-al-reqāa' of Nakhl, of the last Bedr, of Daumat-al-jandal, of the Ditch, of the Bani Quraysh, of the Beni Lehyān, of the Hudayl, of the Du Qarad, of the Beni Al-mastaliq, of the Khozáa'h, of Hudaybyah, where he wanted no bloodshed but was opposed by the polytheists, of Khayber, the Decreed Pilgrimage [to Mekkah], the Conquest [of Mekkah], the campaigns of Honayn, of Táyf, and Tabúk. In nine of these campaigns actual bloodshed took place, *i. e.*, in Bedr, Ohod, the Ditch, Quraysh, the Mustalalik, Khayber, the Conquest [of Mekkah], Honayn and Táyf." According to the same author the raids or expeditions in which the Prophet was not present amounted to thirty-eight in all.

#### *A. H. XI. (Began 29th March 632.)*

After the Prophet had returned from the pilgrimage, he contracted a malady of which he ultimately died. At the latter end of the month Safar or the beginning of Rabi' (end of April or beginning of May), he despatched Osámah B. Zayd B. Harithah to Syria, ordering him to invade the district of Balqá and Dárún in Palestine and attack the Byzantines. The expedition was, however, delayed, because many persons considered it an insult to some of the most respectable emigrants and

helpers, whose commander Osamah had been appointed in spite of his youth.' Accordingly, the Prophet went with his head bandaged to the mosque, sat down on the pulpit and delivered a brief address to justify his selection. This exhortation had so great an effect, that multitudes followed the Prophet to take leave of him and to join Osamah, who then marched out with his army ; but he did not proceed further than Jurf, a distance of only one farsakh from Medinah, where he encamped, to learn what turn the malady of the Prophet would take. But he died soon after.

E. REHATSEK.

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## ART. IX.—EDUCATION IN AMERICA.

*Proceedings of the Department of Superintendence of the National Educational Association, at the meeting at Washington, March 15-17, 1887. Washington: Government Printing Office, 1887*

THE American Bureau of Education has kindly sent us three of its Circulars of Information for 1887—helpful, valuable papers. We are much obliged for them. We wish the same sort of aids to the school-master and educationalist could be introduced in India. Our Annual Reports and Government Resolutions are very poor substitutes in themselves, and apt, withal, to drift into routine statements of fact, and dry bones of formalism. Such fault cannot be found with the document now lying before us, entitled *Proceedings of the Department of Superintendence of the National Education Association at its meeting at Washington, March 15-17, 1887*. It makes interesting reading; it is lively, and is full of information and suggestion.

Over a hundred ladies and gentlemen took part in this Conference, coming, some of them, from the farthest limits of the United States territory to assist at it. There were members of State Boards of Education, State Superintendents of Public Instruction, Superintendents of Schools, School-masters and School-mistresses, Members of the Bureau of Education at Washington (some of them ladies), the General Agent of Education in Alaska—apparently all the principal people connected with education throughout the vast dominions of the United States.

Mr. Dawson, U. S. Commissioner of Education, prefaced his address with these words:

While it may be said that the life of a State and the preservation of its liberties depend upon the courage of the people, it is equally true that a wise administration of its laws, and the maintenance of order and happiness rest upon the virtue and intelligence of its citizens. If this proposition is admitted, then, it follows, that the education of the people becomes one of the highest duties of the State, and no subject is more worthy the consideration of the enlightened statesman.

In the United States it would appear that there is as much difficulty experienced in getting Annual Reports out with punctuality as there is in India. Knowledge of that fact may be a comfort to some of our harassed officials suffering under similar affliction. Where American men and women fall short of expeditiousness, the rest of the world may well be excused for similar remissness. We must, however, inform procrastinators

out here that Mr. Dawson does not approve of delays in his part of the world, and has determined on effecting a reform in this matter. But are haste and hurry safe indications of hard work in the world, we wonder? They are often so accounted. Here, however, is a remark to which we invite Secretariat attention:—

“One of the noticeable results of the efforts made by the Bureau to secure accuracy of statement in the preparation of the Annual Reports, is seen in the simplification of Statistics, and the tendency towards uniformity of classification in the preparation of Returns.” And, of course, the value of statistics for purposes of comparison depends upon their essential conformity to like conditions. In connection with the Bureau, Miss Alice Fletcher is, we are told, preparing a Report upon the Progress of Indian civilization and education.

The Hon'ble Frederick M. Campbell, Superintendent of Schools in Oakland, California, was the next speaker, and appropriately confined his address to “Public Education on the Pacific Coast;” and good deal he had to say about it. Mr. Campbell has been connected with Schools in California for more than a quarter of a century, and is an enthusiastic schoolmaster. “The future,” he said, “can offer me no higher honours than those which are to be won on this field.” He is also an enthusiastic Californian, somewhat indignant that the heroes of Bret Hart's *Roaring Camp* and *Poker Flat* should ever have been taken seriously as typical citizens of the Golden State. As he says, it is very difficult to correct an impression when once it has become part of the fixed belief of a people. On the contrary, having once taken root, it is likely to grow to exaggerated size. Mr. Campbell is proud of the rich vineyards, the orange groves, the gardens full of roses and heliotrope, as well as the towering mountains, and mighty waterfalls of his native State. But he holds that it is not in any of these excellencies that the real California is found, but in its homes and social institutions, and these have their bearing on education. They have been unequally built up.

The pioneer of California went out, like Abraham of old, not knowing whither he went. He was essentially an adventurer—his life was an experiment. Wife, and sister, and child, if he had them, were left behind, till he should see whether a prize or a blank awaited him in the uncertain future. The whole atmosphere of Californian life has been tainted with the elements of speculation and chance.

First came the chance of finding the precious metal in the claim chosen—and to day hundreds are still toiling on, hoping ere long to “strike pay rock.” The gigantic speculations of the mining share-market, that came as the next phase of this feverish life, are too familiar to demand more than the briefest mention. And, when our men began to see that Mother Earth paid to the tiller of the soil rewards as rich as those she bestowed on the successful miner, even here the same reckless spirit prevailed. The possessor of a thousand acres would hazard his all on a single crop, which, if abundant, would pay him enormous profits, rather than vary the products of his ranch—so that if drought or flood should come, something might be spared Dr. Glen had one year 55,000 acres of wheat, and loaded 12 ships.

This manner of life and habit of thought resulted in the development of intense practicalism in later generations, a practicalism opposing itself to education as waste of time ; and this tradition, educationalists in California have found much difficulty in contending successfully with. It is a difficulty by no means peculiar to California, we should think ; it is common rather to all the civilized world in this greedy fag-end of the nineteenth century, when wealth is the god of all men's worship, money-making their supreme endeavour, and knowledge little regarded, save as a means-to-an-end-machinery, with the help of which a good appointment, or some other of life's prizes, may be secured. European boys, Bengali boys, equally with Californian boys, leave the broad fields of culture to rush, immature and not half-equipped, to take part in the struggle for place, wealth, and power. Mr. Campbell's experience of the lads he has had to do with, leads him to the conclusion that they have ever before their eyes a seeming denial of the necessity or desirability of thorough mental training, inasmuch as they see all round them men totally without such training, and yet in possession of immense wealth, acquired through some fortuitous turn of Fortune's wheel. The new generation is in a hurry to follow their footsteps, and become rich too—quickly. Besides, in California, fortunes are often lost as quickly as they were won ; and then, the son of the man who was rich yesterday and is bankrupt to-day, has to leave behind him all thought of higher education, and address himself to the work-a-day business of earning a living. Still, education is appreciated in California, and very heartily too. The mob of vagrants and rowdies that swarmed into it in 1849 and 1850, when the gold-rush was at its meridian, had not the least idea when starting for Tom Tidler's ground, of being pioneers in the cause of education ; but they became so. Recognizing the want of it in themselves, they determined that their children should not labour under the same disadvantage ; and accordingly, they spent some of their gains on the establishment of schools and colleges, with due provision made for the pay of the teaching-staff and all needful expenses, with the result that, now-a-days, the boys and girls of the State are as well educated, or perhaps, better educated, than those of any other part of America. The State pays for all the educational machinery, levying an annual tax of one cent on each 100 dollars of rateable property within its jurisdiction for that purpose. The tax amounts, at present, to about 75,000 dollars annually.

Mr. Campbell contends that the University of California really had its birth early in 1853, when one Henry Durant, a graduate of Yale College, opened a boys' school in a little room

in Oakland. Dr. Durant shall tell the story of its beginnings himself :—

The house was building. It had been roofed in, the outside was nearly finished, some of the rooms well under way, and one room furnished inside. The contractors, as I understood, were about making arrangements with some parties to let them have the money—some six or seven hundred dollars—to finish up the building, and to take a lien on the building. They proposed to get the whole property for themselves in that way. This thing had been done, I knew, with regard to a pretty good house that had been built a little while before. The builder was not able to pay for it immediately, and the contractors got somebody to advance the money to complete the house. They put into the house a man armed with a pistol to keep the proprietor away, and took possession of it themselves ; and he lost the house. Knowing that fact, and not knowing, but that something of that kind might occur, I consulted a lawyer, who told me what I might do. Said he, " You go and take possession of that house. Be beforehand. You have had to do with the contractors ; you really may be regarded as the proprietor of it." I came over at night, took a man with me, went into the house, put a table, chairs, etc., into one of the rooms upstairs, and went to bed. Pretty early in the morning the contractor came into the house and looked about. Presently he came to our door. Looking in, says he : " What is here ? " I was getting up. I told him I didn't mean any hurt to him ; but I was a little in a hurry to go into my new home, and I thought I would make a beginning the night before. I asked him if he would not walk in and take a seat. I claimed to be the proprietor, and in possession. He went off. My friend went away, and in a little while the contractor came back with two burly fellows. They came into the room and helped themselves with seats. I had no means of defence except an axe that was under the bed. The contractor said to one of the men : " Well, what will you do ? " Said he : " If you ask my advice, proceed summarily," and then he began to get up. I rose, too, then—about two feet taller than usual. I felt as if I was monarch of all I surveyed. I told him that if I understood him, he intended to move into the room. Said I, " You will not only commit trespass upon my property, but you will do violence to my body. I do not intend to leave this room in a sound condition. If you undertake to do that, you will commit a crime as well as a trespass ! " That seemed to stagger them, and finally they left me in possession.

In such wise was the College School founded. Two years afterwards the first building of a College proper was erected. Dr. Durant, who had been greatly instrumental in its progress, being made Professor of Greek and Mental and Moral Philosophy, and afterwards President. It was in 1870 that the University of California opened its doors to women, and gave them equal privileges with men—the first University in America to do so. [Girton, we think, was founded two years previously. In which case, contrary to the opinion generally received, England was ahead of America in the matter of women's education.] The site of the Californian University includes 200 acres. Mr. Campbell summarizes educational outcomes in his State thus :—

The University of California is an integral part of the public educational system of the State. As such, it aims to complete the work begun in the public schools. Through aid from the States and the United States, and by private munificence, it furnishes ample facilities for instruction in science, literature, and the professions of law, medicine, dentistry, and pharmacy, in the colleges ; of letters, agriculture, mining, mechanics, civil engineering, and chemistry, in the literary course, and in the course in letters and political science, these privileges are offered without charge for tuition to all persons that are qualified for admission. The professional colleges being self-sustaining, require moderate tuition fees. All

courses are open to all persons without distinction of sex. The Constitution of the State, as will appear elsewhere in my address, provides for the perpetuation of the University, with its existing departments of instruction.

The Departments of Instruction comprise the following :

#### 1. IN BERKELEY.

- |  |                                      |
|--|--------------------------------------|
| 1. The College of Letters :                  | 2. The College of Agriculture.       |
| (a) Classical course,                        | 3. The College of Mechanics.         |
| (b) Literary course,                         | 4. The College of Mining.            |
| (c) Course in letters and political science. | 5. The College of Civil Engineering, |
|  | 6. The College of Chemistry.         |

#### 2. IN SAN FRANCISCO.

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|------------------------------------|--|
| 1. The Hastings College of Law.    | 3. The College of Dentistry.           |
| 2. The Toland College of Medicine. | 4. The California College of Pharmacy. |

It is intrusted to the care of a Board of Regents, which includes the Governor, Lieutenant-Governor, the Speaker of the Assembly, the State Superintendent, the President of the State Agricultural Society, the President of the Mechanics' Institute of San Francisco, the President of the University, and sixteen other Regents appointed by the Governor and approved by the Senate.

To this Body of Regents the State has committed the administration of the University, including the finances, care of property, appointment of teachers, and determination of the interior organization in all particulars not already determined by law.

The instruction and government of the students are intrusted to the Academic Senate and the Faculties of the various colleges. The Senate consists of all persons engaged in giving instruction in any of the departments of the University by authority of the Board of Regents. It holds its meetings twice a year.

#### FUNDS.

The sources from which the University is maintained were derived from various sources, and include the following endowments :

1. Seminary Fund, and Public Building Fund granted to the State by Congress,
2. The property received from the College of California, including site at Berkeley.
3. The Fund derived from Congressional land grant of July 2nd, 1862.
4. Tide-land, Land Fund, appropriated by the State.
5. Specific appropriations by Legislature, for building, current expenses, &c.
6. Gifts of individuals.

The General Funds of the University are devoted to the College of Letters and College of Science. The Colleges of Medicine, Dentistry, and Pharmacy are self-supporting. The College of Law has a separate endowment.

The income of the University for the last year approximated \$200,000.

The corps of over 40 professors and assistants engaged regularly in the work of instruction at Berkeley, includes some whose fame, in their special lines of thought and work, is not circumscribed by the boundaries of our country. The University of California, with all its splendid equipments in every other respect, is specially rich in its unusually full, strong, able, earnest teaching force. And, after all, that can be said of buildings, and apparatus, and libraries, and all the helps and aids that can be given the student anywhere, is he not, finally, fortunate or unfortunate in accordance with the kind of men he must meet as his guides and instructors? The answer to my question is expressed in the aphorism : "The teacher makes the school." A magazine article which I read recently relates of President Garfield, that some years ago he attended a meeting of the alumni of Williams College (of whom he was not the least distinguished). There was presented to this meeting of her sons, the urgent need their Alma Mater had of new apparatus and other appliances of study. General—then Senator—Garfield said, that he was fully conscious of the value of these things. "But," said he, "give me a long cabin in the State of Ohio, with one room in it, and a bench with President Hopkins at one end of it, and me at the other, and *that* would be a college good enough for me."



On its industrial side the College is **very strong**. Its latest, and **most** interesting, mechanical development is, provision of a large fermenting cellar, and all necessary appliances for thorough, practical work, as well as 'scientific examination and experiment. This new departure is due to the vast proportions the Californian wine trade has grown to, and to a recognition of its importance as a State industry. At the College, again, hitherto very successful experiments are being carried on, with a view to ascertaining the character of mineral ores with the aid of a microscope. The College's Geological Museum is well stored. Moreover, there is a fully-equipped Assay Office and a Mining Office, stocked with mining appliances, which the student can see at work. It must be allowed that the rulers of the people of California understand Strafford's maxim: "Thorough," in matters educational. The people themselves, we are told, feel that in the University they have not only a place for their young men and young women to go to for instruction in any branch of human knowledge, but that they themselves, from day to day, at their homes, and in their business, can share in its advantages and enjoy its blessings. Without at all yielding any of its strength or its dignity, it is made a University *of* the people, and *for* them.

The need for, and great usefulness of Normal Schools is a matter that has not been overlooked in California. There is one at San José, 50 miles from San Francisco, another at Los Angeles in the southern portion of the State, ten times that distance away from the capital; for capitals do not monopolize everything good in the Western world! The statistics of the San José School show the attendance there of a greater number of normal students than any similar institution in the country, except those of New York city and Philadelphia. There are, besides, private Normal Schools scattered about the State,—by way of promoting healthy competition, we suppose. The good work done by the State Normal Schools is evidenced by the fact that no graduates therefrom are left unemployed. So much success has attended Normal-school efforts, and so large is the demand for capable teachers, that another school is being set on foot in the northern section of the State.

Ten years ago there were differences of opinion amongst public men in California (as there always are in India) about the propriety of State-support to High Schools; and, after prolonged wrangling, it was decided in Convention that no public money should go to support public schools of higher grade than a Grammar School, and that, at all schools so supported, students should be taught the English language only. But it turned out that the amount received from the State had never been, sufficient to maintain anything beyond

the lower grade of schools ; and so the Convention stultified itself ; whereat, Mr. Campbell chuckles. The action of the Convention, he says, "was only another illustration of that delightful inconsistency which prejudiced or unreasoning men will use. These law-makers were ready to provide for a free University, while, at the same time, they would weaken or destroy the free bridge which would carry their children from the Grammar School to the entrance of this higher education." That may be a taking argument ; but there is as much, if not more to be said on the other side. If high education is worth having, it is worth paying for ; and, on Mr. Campbell's own showing, parents in the Golden State were well able to pay for their children's education. To absolve them from this parental obligation, and distribute their proper burden amongst others, is apt to prove demoralizing to the citizens thus subsidized, and is unfair to citizens who are mulcted to pay the justly-due debts of their neighbours. Apropos, here is a paragraph in point from Mr. Cameron's address :

It occurs to me to remark here that, when, in the early days it finally became necessary to have schools of some kind, private schools, more or less expensive, sprang up in all directions. You must remember that money was plentiful then, and easily obtained, and Californians of those days preferred to pay for everything rather than get it for nothing. To many, moreover, the idea of "public schools" was objectionable. But all this is changed ; and now, the public schools are the pride and the boast of our people.

However that may be,—and it is a vexed question that will, probably never be finally settled in California or anywhere else where high education obtains,—the majority were for maintaining High Schools by city taxation. We are glad to find that in the Far West study of the English language is made a special feature in the educational curriculum. It is sadly neglected in most English schools. The late Matthew Arnold, who had exceptional opportunities for informing himself about English school performances and pretences, used to say that he wished he could see in English schools and Colleges as much attention paid to the study of English as is given to foreign tongues. Schoolmaster Campbell's heart warms to Matthew Arnold, as a son of the pedagogic ideal Thomas of Rugby, as well as for his sound views on education. Next time Matthew visits America, Mr. Campbell hopes, he says, to show him that Californians have at least a true conception of his ideal, and are striving after its attainment. But alas, Matthew is dead ! The keen critic, the trenchant essayist, the graceful poet, the 'apostle of sweetness and light,' can never more guide or beguile us with his wisdom or his mockery ! Schoolmaster Campbell will mourn his loss as much as any of the many who have tried to do justice to his memory.

Indian students sometimes manage to possess themselves by questionable means of examination questions. The teachers are similar offenders in California. Last year, it seems, on the evening before the projected examination, a San Francisco paper published all the questions, and thus exploded the whole intrigue for the time being. It is satisfactory to think that frauds of this sort are almost always exposed; the mischief is that they are not always exposed in time.

The Californian Legislative mills have lately been grinding out a new "constitution" for State Schools, of which much is expected. Previous arrangements having effected such grand results, what may not be expected of a new one, and, ergo, of course, an improved one? Novelty and improvement are pretty much synonymous in America. Meanwhile, Mr. Campbell boasts that any one going into one of the dilapidated mining towns, or into any of the interior towns in his State, will be confronted with a "White School House on the Hill." The school house is the pride of the inhabitants, whatever their surroundings or circumstances may be. A gentleman who went on a hunting and fishing expedition, over several hundred miles of the northern coast counties not long ago, to places where there are merely small settlements round saw mills, and so forth, remarked on his return, that it was matter of surprise to him, although an American, to see so many school houses. They were to be found even in places where there were apparently no residents—where only a few loggers' huts were built, and at long distances even from small villages. And they were invariably respectable-looking buildings, neat and clean, a marked contrast to many of the dwellings of the settlers—the parents of the school-children. Perhaps the exemplary attendance at them may be, in a measure, accounted for by the fact that legal provision is made for exclusive application of all the money received from the State Fund to payment of teachers' salaries in Primary and Grammar Schools. Under inducement, teachers would take pains to persuade parents to send their children, take pains to gratify the children, take pains generally with school arrangements, in order to be able to show good results. Human nature is human nature all the world over; and payment by results as an incentive to extra exertion, is a sensible recognition of the fact on the part of the educational authorities.

Good work is done in San Francisco with the Kindergarten system under the auspices of benevolent ladies. For the most part they devote time and effort cheerfully, as well as money, to this acceptable method of infant education,—and withal, rescue many from the slums, and pervading atmosphere of sin and crime. They go down into the dark,

noisome places of great cities and pluck from the darkness and noisomeness, the little children Christ loved, and deemed meet for the Kingdom of Heaven; and they set them on the way thither. Thirty free Kindergartens exist in San Francisco and Oakland alone. There are some twenty private Kindergartens on the coast, and all alike are superintended by graduates from good Training Schools. There is abundance of wishful, errant benevolence in Calcutta. Would to God that some of the stream might find its way to our *kintals* and dark places, and transplant some of the wretched children there to Kindergartens!

Rich philanthropists in California, who have money to give away, incline to devote it to the cause of education. James Lick's gifts thereto, aggregating originally 1,200,000 dollars, by increase in value, now amounts to 2,000,000 dollars. He devoted 700,000 dollars to the establishment of an observatory, and he made liberal gifts to the California Academy of Sciences,—and James Lick is but one out of many like-minded benefactors and well-wishers to Scientific Education in the States. The scientists who take up the work these benefactions enable them to engage in, go at it with a will; often engage in camping-trips, extending to a couple of months or more, and during this time, they never sleep in a house, and must often have to depend on their guns for food. A Mr. Sutro's gift to the University is thus referred to by President Holden:

This site is an ideal one for a seaside Biological Laboratory, where scientific research shall be carried on, and Mr. Sutro will provide and support the best aquariums in the world. These are now partly built. The site adjoins splendid gardens, in which facilities are offered for experiments in Botany and Agriculture. The library of Mr. Sutro will be, in itself, half of an university, and access to it is equally important to all the Colleges of the University. The site proposed is at the terminus of two cable-roads, and will be less than one hour distant from the City Hall.

Actual teaching must be done elsewhere, I presume; but there is no better station in the world for real research. I need only speak of the similar stations of Naples, and of the John Hopkin's University on Chesapeake Bay, to show how much may come from such an establishment.

Senator Leland Stanford has given 83,200 acres of wheat-growing land, the proceeds of which are to be devoted to instruction of Californian youth in every branch of industry, art, and science. The deed of trust which made this splendid property over to 24 trustees, says in its closing paragraph:

The object is not alone to give the student a technical education, fitting him for a successful business-life, but is also to instil into his mind an appreciation of the blessings of this Government, a reverence for its institutions, and a love for God and humanity to the end, that he may go forth, and, by precept and example, spread the great truths, by the light of which his fellow-man may be elevated, and taught how to obtain happiness in this world and in the life eternal.

Over and above this present benefaction, Senator and Mr. Stanford have made bequests by will to the same end. So

that the total value of the endowment is estimated at not less than 30,000,000 dollars. Comment would be an impertinence.

It is legitimate matter for boasting—as Mr. Campbell does boast—that while the people of San Francisco yet dwelt in tents, they established orphan asylums; while the Legislature was yet on wagon-wheels, provision was made for the insane; before the State had a capital, a school was opened for the deaf and blind. It maintains 165 pupils, and a yearly appropriation of 45,000 dollars is made by the State treasury for its support. Two per cent. of its pupils have matriculated at the State University, in spite of all the disadvantages under which they labour; and one of its graduates is now pursuing a course at the John Hopkin's University at Baltimore. A distinguished visitor remarked of this school: "It is the most remarkable institution in the world, and a visit to it would, in my opinion, repay a trip across the Continent."

Then, too, there are a home and school for feeble-minded children, and an industrial home for the adult blind,—a Home be it understood; not an Asylum. California has no State Orphan Asylum, but legislative appropriations supplement private charity, paying to each agency taking care of the afflicted ones, a yearly grant for their maintenance.

We conclude our notice of Mr. Campbell's address with the following quotation:—

Among other vigorous active societies for the collection and dissemination of useful knowledge—which I can now only name,—are the Californian Historical Society, dealing with matters relating to the Pacific Coast, mainly; the Microscopical Society, with its fine library and microscopic slides; the Geographical Society, devoted to records of geographical research; the Technical Society of the Pacific Coast, devoted to the discussion of engineering topics. All of these hold meetings, to which the public is invited and freely admitted, and all have special libraries and collections. Besides the very extensive Free Library of San Francisco, the Mechanics' Institute, the Mercantile, and the Odd Fellows, are the representative libraries; there is also a French library of 20,000 or 30,000 volumes of the choicest and rarest French books; and there are many others of a semi-public character, in addition to the hundreds of fine private ones. The best known of these last is the Bancroft Library containing everything possible relating to the Pacific Coast.

Although not directly connected with our system of public education, the work of the historian, Hubert Howe Bancroft, demands, at least, a passing notice. It certainly shows an achievement unique in the record of States and nations, when a citizen of this new State collects a library of 250,000 volumes relating exclusively to its history and that of the Pacific Coast. Many of these are manuscripts taken from the dictation, or written by the pen, of actual participants in the scenes described; and the archives of Spain and Mexico have been thoroughly searched for all the wealth of material there found to throw light on the history of the earliest Spanish settlements in America. With this library as a basis, thoroughly indexed, with a large corps of competent assistants, in a large

brick building specially erected for the purpose, Mr. Bancroft has for years been engaged in putting in permanent form the riches of this vast collection, in the shape of a history of the Pacific Countries, States and Territories, from Alaska to the Isthmus of Darien, to comprise, when completed, 39 large octavo volumes.

The next address was by Dr. Rickoff on the examination and certification of teachers. He holds that, at least, four-fifths of the teachers in the rural district schools, in most, if not all the States, are mere apprentices in the business of teaching. He thinks that a teaching-certificate ought not to be granted for more than one year; and that its re-issue should be conditional upon improvement in the candidate. At the same time, he admits that many very capable teachers have an insuperable objection to being examined year after year, and on that score could instance many refusals to accept otherwise eligible engagements. What a lot of Indian officers, in all the services, will be able to sympathize with those very capable teachers! In the discussion that followed the reading of Dr. Rickoff's address, Dr. Mowry of Boston said:

The examination should be conducted in a definite way. It should not be altogether an examination in writing upon subjects named, upon specific topics, with questions proposed; but there should be some element of this kind in it, as well as oral questions and answers. I am speaking now of the examination of what might be called "the rank and file" of teachers—the ordinary teachers, of the various schools of a large city. These are mostly women. But that should not be all. I would say that all the work which relates to the scholarship of the teacher should count but one-half in summing up. The other half should relate to tact in teaching and to matters of morals and character.

The Hon'ble H. S. Jones, of Erie, Pa. is more exacting than Dr. Mowry. Not long ago he asked a lady who wished to be employed as a primary teacher: "What can you do in the school room, madam, that another lady, equally well educated in the ordinary branches, would be likely not to do?" She did not reply, and he asked: "Can you, for example, smile naturally, and laugh heartily on occasion?" Said the poor badgered lady: "I do not know what you mean."

A discussion on Civil Service Reform—in the course of which, by the way, competitive examinations were advocated—roused the ire of Dr. Marble, who said he had no sympathy with those people, whether eminent school superintendents or others, who are so ready to decry national systems of politics and education. He went on to say:

Some months ago in Boston one of the most moral places on the earth—a very prominent official, a trusted member of the Church, a Superintendent of a Sunday-school, perhaps even a member of the Board of Education, ran away with a large sum of money belonging to various widows and orphans. The newspapers began to talk about the horrible corruption in the community. Here was an eminent and trusted man who

had gone astray, and everything and everybody was going to the dogs! A minister preached on that subject the next Sunday, and said that he had known more than five hundred officials who had been trusted and who had not gone astray, from which he drew the conclusion, that after all there were some pretty good men left in spite of the recent defaulter. Now and then a franchise for a railway is said to be sold improperly, and the officers "bag the boodle," and are afterwards themselves "bagged" by an outraged community. That does not happen all the time, or everywhere. There are hundreds of cities where nothing of the kind has ever taken place. Corrupt "rings," and some corrupt men, exist in a few places, but they are exceptions; he believed there were, in the audience before him, a good many men with whom it would be perfectly safe to leave his pocket-book. Now, the schools—what a horrible state of things there is in the schools—and yet parents send their children to these schools, and we do not hear them in large numbers crying out against them. When the question is discussed, as it has been here, the impression goes all over the country that the system of schools is the most faulty that has ever been devised. Its defects are often obvious enough; but after all, the public system is a good system. He disliked this everlasting outcry against evils, this constant overlooking of the vastly preponderating amount of good.

Here is a quandary :—

The selection of school-books enables school officers to give tone to the school and colour to the teaching. Suppose, for example, that a text-book is selected in political economy which strongly advocates protection because the school officers favour that view; and suppose the teacher is a strong believer in free trade, so much so that he regards protection as a moral wrong, a kind of robbery of the many to enrich a monopoly. He cannot conscientiously follow the teaching of the school-book provided for his class; he must, then, refute the teaching of the book, and thus, in effect, violate the regulations of the school, for which he would be likely to be discharged; or else, he must do violence to his conscience, commit what he regards as a wrong in order to retain his place, and in this case he would prove himself unfit to be a teacher.

Colonel Parker of Illinois took for his subject *Industrial Education in the Public Schools*. He came to the conclusion that the use of tools as a part of school-work was only a form of imitation, and, as such, a very imperfect means of developing the powers of a child; whereas it is the business of the educationalist to develop the latent *capacities* of the child into healthful and active *abilities*. The original design of each child's mind should be developed and manifested in his character,—and character is made up of habits; and all education consists in the formation of habits. Education ought not to be shaped into a means for helping machinery. Briefly, the gallant Colonel, like the author of *Erewhon*, does not approve of the good time coming, when man will have become a sort of machine-tickling aphid. Nevertheless, if it is the function of the public school to prepare children for some special mode of gaining a living, as severely practical people seem to think, such exercises may, with advantage, be used in it as will train them up to some special employment. But

there is a human education which should precede the acquisition of special professional or industrial skill, and which has a tendency to elevate the individual above the narrowing effects of any narrow life-occupation. This sort of human training is what John Stuart Mill says, every generation owes to the next, as that on which its civilization and worth will mainly depend; and the American school authorities are not unmindful of the obligation. As Theodore Parker once said to a convention of teachers: "To the instructed man, his trade is a study; the tools of his craft are books; his farm a gospel, eloquent in its sublime silence; his cattle and his corn his teachers; the stars his guides to virtue and to God; and every mute and every living thing by shore or sea, a heaven-sent prophet to refine his mind and his heart."

The term "practical" is sometimes applied to knowledge; but such use of words is apt to mislead: because of it we are in danger of attributing to knowledge what belongs only to power. A philosophical system of education should provide for the general cultivation of the individual before he dissipates any of his energies in pursuit of a trade or profession. We like the remarks of that President of an industrial school, who is reported as delivering himself thus:

For many years I have worked to develop the material and technical relation of education. I have sought to so direct both my own work and that of my pupils, that there might ever be an open bridge between the theories of science and the familiar facts of every-day life, that each might be better developed by constant contact with the other. It may be, that I have not worked as earnestly as I might have done; but I have not been able to discern such valuable results from handicraft as my friends seem to find. I do not find that the exact construction of a box leads to the exact construction of an English sentence, but that mechanical students need as much drill in writing as any other. I have not found that students in mechanical courses were especially good in their mathematical work. On the contrary, I do find the best workers in wood and metal are those who have proved they have clear thoughts and can express them clearly, rather than those who have shown large mathematical ability. Is it not possible, in these materialistic days, we push the methods of the laboratory too far? May not the gross and material concepts gathered in the shop so stand as to obscure the clearer and exacter intellectual concepts?

It should always be borne in mind that one of the chief objects of the State in educating a child gratuitously is to render him or her self-supporting, at any rate; if possible, productive also: and handicraft-education is surely likely to further that end. The Hon'ble H. W. Compton's experiences in the matter are worth retailing:

We began, in our humble way, about four years ago in this work. We hired one instructor, a graduate of the St. Louis Manual Training School, who is a very successful instructor in this work, and our success is largely due to his efforts and interest.

We fitted up a room, which would accommodate two classes of 24, with tools and benches. We also had a recitation-room for a drawing-room. We had also a drawing class of 15 or 20 girls in free-hand drawing. The boys did in the first year, one hour a day of work in drawing, and two in shop-work, besides the



regular school-work. The interest and enthusiasm in this work are very great, and we had more applications than we could receive. We were limited to 48 boys and 20 girls. This state of enthusiasm and interest we had to modify and regulate somewhat. It was in danger, at first, of detracting from the regular mental work; but since that time we have so succeeded in adjusting the hours of recitation and hours of work in the shop and in drawing, that the system is progressing smoothly. For the first year the interest had become so great, and the practical value of the Report was so evident, that we erected a large building adjoining our High School building. This building is 120 by 60 feet, with four storeys. We have equipped that building with tools and benches, two lathes and forges, drawing rooms, and a department of domestic economy for the girls. I will simply state, then, without proceeding to explain or to argue the matter, that these boys have taken this manual training-work, drawing and shop-work, and their daily work in school, and that the greatest success and satisfaction exist. We have had a few who have failed, but they have failed in everything; and we must expect to find this occasionally. We have simply dropped them; but the great body of our students has not only become deeply interested, but has become very proficient.

School-workshops give boys congenial occupation, and keep them out of idleness and mischief. They ought rather to be called play-shops. Boys learn from them, early in life, the dignity of labour and the labourer, instead of looking down upon both. They promote discipline by generating an appreciation of order. Mr. Compton's girls do light carpentering and carving work. They accomplish their technical work with success, and their mental work with "uniformity." They can cook very palatable food. What more would you have?

Here is an anecdote which is too good to be lost:

I once heard a lawyer defending his client on the ground that he was a man of mechanical skill. It was during the war, and practical prohibition had gone into effect. We did not have corn enough in those days, and a stringent law was passed against turning corn into corn-juice. They prosecuted people for it. Now, this fellow began to furnish some of the article, and the authorities began to be suspicious; so he was arrested. When he was tried, his lawyer proved distinctly that he had made it out of persimmons, and defended him upon this ground. The lawyer said: "Now, we all need mechanical skill, and that is what we have not had, and what we must have. Now, my client has set a brilliant example. He takes an utterly worthless article and manufactures a good drink; but he does not stop at that, he has improved his invention by putting a little corn into it, and he has gone on and improved it, until he has learned to make a very respectable whisky without one particle of persimmon in it."

The United States when purchasing Alaska took over all Russia's obligations, and amongst others, the up-keep of schools. The first of these was established by Gregory Shelikoff, Governor of the colony, as long ago as 1785. There were some half a dozen common schools when the territory was ceded to the United States: a girl's school, presided over by a Russian lady, and a theological school. The course of study in the common school at Sitka embraced knowledge of the Russian, Slavonian, and English languages, Arithmetic, History, Geography, Book-keeping, Geometry, Trigonometry, Navigation, Astronomy, and Religion. The course extended over five years, and extra compensation was allowed to the teachers who secured

the best results. Englishmen are apt to think of Russia as a backward, semi-barbarian, utterly uncultured power; but we venture to assert that had Alaska been an English possession during all the years it belonged to Russia, there would have been no schools at all, unless, perchance, stray Missionaries had started one. The Presbyterians and the Church Missionary Society of England have had representatives in Alaska for some years; but do not seem to have done any thing for education there.

The common school for girls at Sitka, under the Russian regime was in charge of a lady-graduate of one of the highest female schools in Russia, with two male teachers assisting. This made five schools at Sitka; two for children of the lower class, two for the higher class, and one seminary. On Spruce Island a Russian monk kept a school for thirty years, giving instruction in the rudimentary arts and agricultural industries. Nearly all the people of Alaska were found able to read and write when the territory was taken over by the United States Government in 1867.

We are told that a large part of the civilized population of Alaska is Russian still in its customs and sympathies, and while Washington's birthday and the 4th of July are unknown and uncelebrated, the Czar's birthday, and all Russian national holidays are kept up with great enthusiasm. Nevertheless these Russophils and Russians are, according to treaty, United States' citizens. "Therefore," says the Washington Bureau of Education, "it is the duty of the Government, through the public schools, to educate them into appreciation of the privileges of their citizenship. An important object-lesson in every Alaska school would be the Stars and Stripes. Let every school be furnished with a flag." Into all the public schools, with the exception of those on the Pribilof Islands, which are not under the control of the American Bureau, industrial training is being introduced with all possible expedition. We are told that as the people make progress, catch the spirit of civilization, and come under the influences which emanate from the schools, they gradually begin to give up their old methods of living, and adopt the American style. This is especially the case among the native and semi-civilized population. One by one they saw out openings in the windowless walls of their houses and insert sashes and glasses; one after another purchases a cooking stove; no longer content to eat off the floor, out of a common iron pot tables and dishes, knives and forks are procured; then comes a bedstead, and the bedding is taken from the floor; warm, comfortable store-clothes take the place of the inconvenient, uncomfortable blanket: thus, slowly and gradually, through the influence

of the schools, the population is raised in the scale of civilization.

A cynic might ask: "*Cui bono?*" since this rise in the scale of civilization involves expenses which the people, who were happy enough without it have no means to meet. Tables, chairs, bedsteads, &c., are doubtless very pretty articles of furniture; but when people cannot afford, and have learnt to live without them, is it not rather a cruel kindness to tempt them into spending money, or getting into debt for the purchase of things that are, to them, practically, gewgaws? Of course, if the regenerated people can be taught to manufacture the gewgaws for themselves, a somewhat different colour is put upon the business. The American Educational Bureau appears to think that they can be so taught. Still, the benefit is doubtful. Too much comfort, and consequent laziness, in those unfertile, frozen latitudes would be fatal. The special resources of Alaska are fur-bearing animals, vast supplies of fish, minerals, and forests. In that connection, it is suggested that the rising generation of young men should be instructed as to the cutting and rafting of logs, the working of saw-mills, carpentering, and coopering, boat mending and making, curing of fish, &c., abandoning their old lamps for new ones. The girls, in turn, are to be familiarized with the use of kitchen utensils, and exercised in the best methods of cooking meat, fish, and vegetables, laying the cloth for dinner, and arranging drawing-room furniture. There are likely to be some grotesque outcomes of such teaching in Alaska, we take it; and, once again, we are almost tempted to ask: "*Cui bono?*" About moral training we are better able to agree with the American critic. He urges the necessity for it strongly, the people of Alaska being liars, thieves, polygamists, lovers of filth, practisers of witchcraft in its most cruel developments. The American educationalist's mission is to wean the rising generation from these iniquities, to purify, to exalt, to create a love for sweetness and light instead of heathendom and darkness. To such endeavour who will not heartily wish success? The Educational Board, we see, is urging Congress to make children's attendance at Alaskan schools compulsory. The argument runs, that it is of no use to establish schools for children if the children do not attend them; and the Alaskan children will not. In their own best interests, as well as in that of the State which pays for their education, they ought to be made to. At the same time it is written: "The most urgent need of the Alaskan schools is more adequate appropriation from Congress." It sounds odd to read that "a contract has been entered into with the Moravians for the establishment of a school at Nushagak."

The Educational Bureau takes to itself much credit for what

it has done in Alaska since the duty of providing for the new territory's educational needs was made over to it in March 1885. It is written :

It was a work of great magnitude, on a new and untried field, and with unknown difficulties. It was a work so unlike any other, that the experience of the past in other departments could not be the sole guide. It was a problem peculiar to itself, and must be worked out by and for itself. It covered an area of one-sixth of the United States. The schools to be established would be from 4,000 to 6,000 miles from head-quarters at Washington, and from 100 to 1,000 miles from one another, and that in an inaccessible country, only one small corner of which has any public means of intercommunication. The teachers of five schools in Southern Alaska will be able to receive a monthly mail; the larger number of the others can only receive a chance mail two or three times a year, and still others, only one annually.

It was to establish English schools among a people, the larger portion of whom do not speak or understand the English language, the difficulties of which will be better appreciated if you conceive of an attempt being made to instruct the children of New York or Georgia in arithmetic, geography, and other common school branches through the medium of Chinese teachers and text-books. Of the 36,000 people in Alaska, not over 2,000 speak the English tongue, and they are mainly in three settlements.

It was to instruct a people, the greater portion of whom are uncivilized, who need to be taught sanitary regulations, the laws of health, improvement of dwellings, better methods of housekeeping, cooking, and dressing, more remunerative forms of labour, honesty, chastity, the sacredness of the marriage relation, and everything that elevates man. So that, side by side with the usual school-drill in reading, writing, and arithmetic, there is need of instruction for the girls in housekeeping, cooking, and gardening, in cutting, sewing, and mending; and for the boys in carpentering and other forms of wood-work, boot and shoe-making, and the various trades of civilization.

It was to furnish educational advantages to a people, large classes of whom are too ignorant to appreciate them, and who require some form of pressure to oblige them to keep their children in school regularly. It was a system of schools among a people who, while, in the main, only partially civilized, yet have a future before them as American citizens.

It was the establishment of schools in a region where, not only the school house but also the teacher's residence must be erected, and where a portion of the material must be transported from 1,500 to 4,500 miles, necessitating a corresponding increase in the school expenditure.

It was the finding of properly qualified teachers who, for a moderate salary, would be willing to exile themselves from all society, and some of them, settle down in regions of arctic winters where they can hear from the outside world only once a year.

To the magnitude of the work, and the special difficulties environing it, is still further added the complication arising from the lack of sufficient funds to carry it on, there being appropriated only \$25,000 with which to commence it.

The American Government is anxious that education should be pushed on in the new territory so that its new subjects may learn to speak in the tongue used by other American citizens. At the time the Report that serves us for a text was written, half a dozen alien languages were in use.

As the citizens of Alaska have no power to levy taxes for school, or any other purposes is the reason given why they look to Congress to support their schools,—the teachers formerly supplied by the Russian Government having been withdrawn, as a result of the transfer of territory. An unpromising territory, we should incline to say, in spite of the

rosy hues with such it is sought to invest the acquisition ; but earth-hunger seems to be an inveterate disease in the American constitution. To it, therefore, the British possession of Canada is an eyesore and vexation. But this is travelling beyond the record.

It only remains to say that the Report now before us is embellished with some very creditable engravings illustrative of life and scenery in Alaska. Whatever straits the Educational Board may be in for provision of adequate funds for establishment of schools, payment of teachers, &c., it has "spared no expense" in the get-up of its Report. "That is American!" we can fancy Mr. Cameron saying to himself—of course, with the accompaniment of a canny chuckle.

In what we have written above, mention is made of a work on the study of History in American Colleges and Universities by Dr. Adams, Professor of History in the John Hopkins University at Baltimore. It now lies before us, a portly volume of 299 pages, in thin paper-cover, which is bound to tear, however much trouble one may take to avoid that inconvenience.

In a letter to the Secretary of the Interior which serves as a preface to this book, the Commissioner of Education observes that "History has been called Philosophy teaching by example, or, as teachers say, by object-lessons." Dr. Adams' book is held to be an exponent of this method. He begins with Harvard, where it seems the study of History was commenced in connection with Natural Science ; these being regarded as the most insignificant features of the scholastic system the College was founded to carry on. Theology was all that the Puritan founders really cared about ; all other branches of learning were made subsidiary to it, and held of little account. Of what use could they be to a Puritan clergy for whose equipment for the ministry they were devised some 200 years before? Might they not, indeed, prove a snare as well as a delusion? For nearly two centuries History was relegated to an inferior, dependent position at Harvard, and not until the year 1873 was the subject placed on its own footing, and allowed to advance along modern lines.

Dr. Adams writes of the scholastic system of early Harvard :—

The earliest account of the course of study pursued at Harvard College, which was founded in 1636, is in a tract called "New England's First Fruits," originally published in 1643, reprinted in parts by the Massachusetts Historical Society in the first volume of its Collections, and in full by Joseph Sabin, in 1865. The tract consists of two parts—the first relating to the progress of Missionary-work among the Indians and the second to the progress of education in New England, with

special reference to Harvard College. The curriculum of study is described in a scholastic way, which, at first reading, is almost as confusing to a modern student as the modern elective system, would be to a Puritan divine.

Among the points worthy of attention in this curriculum are: (1.) The course of study was for three years, and was arranged for the so-called First, Second, and Third Classes. The First *Clasis* was of third-year men. (2.) The attention of each class was concentrated for an entire day upon one or two studies, with "theory" in the forenoon and "practice" in the afternoon. (3.) Monday and Tuesday were devoted to Philosophy, including Logic and Physics for the first year, Ethics and Politics for the second year, with Arithmetic, Geometry, and Astronomy for the third year. All this work was done in morning hours. In the afternoon came philosophical disputations for each class in its own field of study ("every one in his art"). (4.) Wednesday was Greek day for all classes. First-year men studied etymology and syntax in the forenoon and practiced the rules of grammar in the afternoon; the Second Class studied prosody and dialects from 9 to 10 a. m., and practiced "in Poesy" after dinner; third-year men did likewise in the theory and practice of Greek composition, prose and verse. (5.) Thursday was devoted to the "Eastern tongues," with the theory of Hebrew, Chaldee, and Syriac Grammar in the morning, and practice in corresponding Biblical texts in the afternoon. (6.) Friday was given up to rhetoric. All students were taught the principles of rhetoric, and all were required to practice English composition, and, once a month, to declaim. (7.) Saturday, at 8 o'clock in the morning, all the students were taught "Divinity Catechetically," and, at 9 o'clock, "Commonplaces." These latter were common topics of scholastic discussion and digests of doctrine, argument, or opinion.\* (8.) The last and least place in this otherwise excellent curriculum was given to History and Nature. At 1 o'clock Saturday afternoon, immediately after the 12 o'clock dinner, and at the fag end of the week, the students were taught History in the winter, and the Nature of Plants in the summer. *Historia Civilis* and *Historia Naturalis* were close companions in all early academic courses, and they have remained associated in some American Colleges down to very recent times. At Harvard, History and Botany were probably consorted upon scholastic grounds; but it is interesting to note that the summer season was assigned to Botany, thus implying botanical practice as well as theory. (9.) The absence of Latin from the entire plan of study is noticeable, and is explained by the fact that students were required to speak Latin in the class-room and in the College-yard. Latin was the main requirement for admission to Harvard College. The rule was: "When a scholar is able to understand Tully [Cicero] or such like classically Latine author

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\* In the Cyclopædia of the Sciences, published at Lyons 1649, all branches of knowledge are treated under the head of *Loci Communes*, in special chapters, with such titles as *Loci Ethici*, *Loci Economici*, *Loci Politici*, *Loci Theologici*, *Loci Jurisprudentiæ*, etc., etc. Lord Bacon, in the fifth book (cap. 5) of his *Advancement of Learning*, says: "There can hardly be anything more useful, even for the old and popular sciences, than a sound help for the memory; that is, a good and learned digest of Commonplaces. I am aware, indeed, that the transferring of the things we read and learn into commonplace-books is thought by some to be detrimental to learning; . . . but," says Bacon, "I hold diligence and labour in the entry of commonplaces to be a matter of great use and support in studying." Thus, we see the connection between the mediæval idea of a well-ordered digest of knowledge, and the modern commonplace-book or note-book.

extempore, and make and speake true Latine in verse and prose *suout aiant Marte*, and decline perfectly the paradigm's [*sic*] of nounes and verbs in the Greek tongue: Let him then, and not before, be capable of admission into the colledge." Such classical preparation was given to boys by the ministers in and about Cambridge, who were well-educated Englishmen and talked Latin with their pupils. There was also by the College 'a faire Grammar Schoole, for the training up of young schollars, fitting of them for academical learning.'" (10) The relative importance of the various branches of academic discipline, as indicated in this original curriculum of Harvard College, appears to have been as follows: First, Philosophy (Logic and Physics, two hours; Ethics and Politics, two hours; disputations, six hours); altogether, ten hours a week. Greek came second, occupying, with New Testament Greek, seven hours. Rhetoric writing and speaking of the mother-tongue) enjoyed the third place of honour, employing six hours. Oriental languages held the fourth place, occupying five hours a week. Mathematics stood next in order, with two hours. The Catechism and Commonplaces were equally favoured with an allowance of one hour. History and Botany were put on half allowance, each with one hour a week for a half year. (11) Altogether in the scholastic week at Harvard College, in 1642-43, there were thirty-three hours of theory and practice, averaging eleven hours a week to each class. Saturday afternoon was a half-holiday except that the first hour of it was improved by the College, possibly with the hope that, after an introduction to History in winter and to the Nature of Plants in summer, students would further improve these fields of study during the remainder of the afternoon.

In the year 1839 the first Professorship in History was instituted; in fact, the first distinct endowment for that purpose in any American College. Jared Sparks was the initial holder of the office, and he is held to have developed the historical department of Harvard from classical foundations to an English superstructure. He did not attempt to disturb the ground-work already laid by generations of tutors in classical History. Such text-books as Adam's *Roman Antiquities* continued in use. Books even more specifically classical than Tytler's *General History* were introduced; the foundations of the historical department "were left substantially as they were laid, upon classical bed-rock." What Professor Sparks did for Harvard was to strengthen work already begun, and further, to build it up towards specialization. To his régime belongs the institution of historical requirements for admission to the Freshman-class. In 1842, having laid his foundation and made all needful, preparation he opened his masked batteries, caused American History to make, a first appearance in the Harvard curriculum; and to this specialty he thenceforth devoted his best energies.

Dr. Adams is of opinion that, in a College the functions of tutor and professor cannot be permanently separated, the practice of the German Universities notwithstanding. Even in them, he suggests, there has been, of late years, a manifest return to old-fashioned tutorial methods in the instruction

of the so-called *Seminar*, where professor and student are once more brought together as master and pupil. Harvard has never wholly abandoned the tutorial system since, in 1642-43, amongst "the Rules and Precepts that are to be observed in the College" it was enacted:—

"Every schollar shall be present in his Tutor's chamber at the 7th houre in the morning, immediately after the sound of the bell, at his opening the Scripture and Prayer, so also at the 5th houre at night, and then give account of his own private reading as aforesaid, in particular the third ('reading the scriptures twice a day'), and constantly attend Lectures in the hall at the houres appointed. But if any (without necessary impediment) shall absent himself from prayer or lectures, he shall be lyable to admonition, if he offend above once a weeke."

"Let the tutors drill the boys," said Mr. Sparks, recognizing and falling in with the old habitude.

Herc, by way of specimen, is a Harvard Examination Paper in Roman and early Mediæval History:—

1. "It might be maintained that the whole history of a State is the record of a series of differentiations of special organs to meet special needs." Point out in detail how the development of the Roman republican magistrates illustrates this statement.

2. "The Senate, a body of life-peers, freely chosen by the people, had always been the vital institution of Republican Rome. The popular assemblies had always been insignificant by the side of the Senate; but, by the Constitution, the rabble of Rome could, at any time, take into their own hands legislation and government." Comment, in detail, upon each statement in this passage.

3. "The first Gracchus, with perfectly pure intentions, showed them the way to do this. The second Gracchus formed this city rabble into a standing army of revolution." Show, as clearly as you can, the relations of the Gracchi to the Revolution.

4. "It was the necessity of defending the State against its foreign enemies that caused the fall of republican institutions. It was not aristocratic privilege, but aristocratic feebleness, that the people rebelled against. The two parties at last were the Senate and the army." Illustrate fully these statements from the history of the last century of the Republic.

5. "In the place of anarchy the Empire brought centralization and responsibility. To the Roman world it gave internal tranquillity; to the government, a more equitable spirit." Give an account of the Imperial institutions which will show how these ends were accomplished.

6. "It would be a convenient thing if we could accustom ourselves to the notion of a second Roman Revolution, beginning with the death of Marcus Aurelius and ending with the accession of Diocletian. In the convulsions of this revolutionary period, we are able to discern the difficulties with which the Imperial system had to cope." Illustrate this passage fully from the history of the period.

7. "Rome was saved by Diocletian from partition among viceroys; but it was a temporary arrangement, and gave place to the permanent institutions of Constantine. The Empire was no longer Roman by nationality, nor in the sense of possessing the political institutions which had originally belonged to Rome. The Senate, as an organ of aristocratic opinion, had practically disappeared, and the life-president had become a Sultan. A principal feature of this age is the enormous multiplication



of offices and officials, a bureaucracy formed after the military model.' Explain each of these statements in detail.

8. "In the age of the degenerate sons of Theodosius, the barbaric world decisively encroaches on the Roman. The Empire is plundered under cover of a commission from the Emperor himself. Rome is sacked. Most of Gaul, Spain, and Africa are torn from the Empire. Barbaric chieftains make and unmake the Emperors of the West." Give a succinct account of the series of events here alluded to.

The historical method is given prominence to in the Economic courses at Harvard. Advanced study and original research in Economics are encouraged, and conspicuous progress has been made by the Economic Department in the development of class-room libraries. A quarterly journal of Economics is published by the College. It strives after impartiality not being an organ devoted to any particular school of opinion. It disclaims alike conservatism and radicalism, orthodoxy and heterodoxy, English proclivities and German. It is simply an American Journal of Economic Science, holding fast to what it conceives to be the best ideas in Economic Science, and, at the same time, always ready to accept new lights, while it maintains the due comity between history and its more particular function.

It has been well said that, what the laboratory is to Physical Science, that the library must be to Moral Science. Harvard has a well-stored, judiciously-selected library, and the collegians make a liberal use of it. It is especially well provided with records of American history. Every possible effort, in fact, seems to be made to imbue rising generations of Americans with patriotism. There is a Harvard Historical Society, described as a novel combination of youth, early manhood, and ripened experience. The purpose of this Society is discussion of original historical papers, and the fostering of public interest in historical subjects by the occasional delivery of a public lecture, to which end specialists are occasionally invited to Cambridge. After listening to a formal lecture, the audience is often invited to some Professor's house for the informal discussion of other subjects; the social element being cultivated.

Dr. Adams highly commends a *Narrative and Critical History of America*, edited by Mr. Justin Winsor, the Librarian at Harvard. Its scope is wide, embracing Canada, Mexico, Central and South America and the West Indies, as well as the United States. "To represent economic and republican principles in the very constitution of American history is Mr. Winsor's conspicuous merit, and Harvard's greatest honour," Dr. Adams thinks. But one fails to see any necessary connection between republican principles and economy, and we should be sorry to regard any such hocus pocus as Harvard's

"greatest honour." The grand old foundation has far higher claims to our respect, we take it, and is honoured for more substantial achievements.

Dr. Adams surmises that the study of history, in some form or other, whether Biblical or Classical, may have been introduced into the curriculum of Yale College in its earliest years; but the first formal recognition of the subject was the appointment of President Stiles to a professorship of Ecclesiastical History in 1778. The regular courses of instruction at Yale were not printed until 1822, and there is no available record of the standing of historical studies before that time. Judging from the actual status in that year, our author thinks that considerable attention must have been given to Classical History, through the medium of ancient historians, and of Adam's *Roman Antiquities*. Yale has always favoured the Classical. An ex-collegian, who can speak from personal experience as to collegiate matters between 1820 and 1830, says :

The amount of classical reading in those days was vastly greater than it is at present. In them were accomplished all of the two large volumes of Dazell's *Græca Majora*, embracing Xenophon's *Anabasis* and *Memorabilia*, with large extracts from Herodotus, Thucydides, Lysias, and Socrates, Plato, Aristotle, and Longinus and the poets Sophocles and Euripides. And to this are to be added several books of Homer's *Iliad*, and the Oration of Demosthenes on the Crown. In Latin the reading embraced eight books of Livy's History; the entire volume of the Poetical Works of Horace, including the Odes, Satires, Epistles, and the Art of Poetry; Cicero's *de Officiis*, *de Senectute*, *de Amicitia*, *de Oratore*, and *de Republica*; and, finally, Tacitus, the *History Agricola*, and *De Moribus Germanorum*. And besides this, the whole of Adam's *Roman Antiquities* was read, from cover to cover."

One of the best outcomes of Yale's classicalism in relation to history, was the encouragement given to the study of Roman Law from a historical point of view.

Columbia College, New York, was the first College in America to provide a professor's chair for History. The Institution was founded in 1754\* under the patronage of George the Second, and was dubbed King's College. Arrangements appear to have been made in the original Faculty of Arts for the teaching of Law and History. Anthon was a Professor at this College for nearly fifty years. He recommended the creation of a Professorship of History, quite distinct from the other departments, and his recommendation was carried into effect in 1857. Columbia College has provided a special room for its library of History and Political Science, numbering about 15,000 volumes. The Librarian is a strict disciplinarian, and admits to his treasure-house only those who have scholarly business there; he knows his books by heart, and where to lay hands on any that may be needed, without consulting a catalogue. Truly a model librarian! It is a pity there are not more like him!

"The University of Michigan," said President Haven in his inaugural address, "is the oldest, largest, and most flourishing of the class of institutions that may rightly be regarded as State Universities." This bounce was uttered in 1863, and is as true at the present time as it was then. It was in 1817 that an Act was passed by the Territorial Government, establishing the "University of Michigan," and providing for thirteen Professorships, including one for the Historical Sciences, or *diegetica* as they were called in the Act. A Scotch Presbyterian Minister, John Monteith, was given six Professorships in addition to the Presidency, and Gabriel Richard, the Roman Catholic Bishop of the territory, took the six remaining chairs. It is suggested that the arrangement was, at least, an augury of wide religious toleration. It seems to us that it was a proof, on its purely professorial side, of religious jealousy.

In 1821 this preliminary organization was repealed and a Board of twenty-one trustees, including the Scotch parson and the Catholic bishop, was appointed by the Territorial Legislature, with full powers to organize the University; but the Territory had no ready money for the encouragement of higher education. The University lands had not yet been selected. The choice of a township was so restricted, that good lands could not be found in one block. Again Congress came to the aid of a hard up educational cause, and in 1826 granted two townships in place of one, with the privilege of selecting the entire amount of land in detached portions from any part of the public domain in Michigan not already granted. Upon this generous provision, and upon the good choice made of lands, rests the national endowment of the University of Michigan.

Michigan was admitted into the Union in 1836, and there, withal a State policy of education was inaugurated and modelled on the Prussian system. The earliest catalogues of the University of Michigan show no provision for the teaching of History beyond the traditional course in Greek and Roman Antiquities, in connection with the Classical Department. The *Philosophy of History* is set down in those for 1846. Requirements in history for admission to the University are mentioned in 1848.—Keightley's Grecian History to the time of Alexander the Great, and Roman History to the time of the Empire. Ancient History was taught for one term of the freshman-year; the History of the Middle Ages for one term of the junior-year: so things went on till 1855, when a special department of History and English Literature was initiated. Two years afterwards Mr. Andrew D. White was placed at the head of it. Scotchmen will be pleased to hear that his fondness for historical study was engendered by reading

Walter Scott's novels. It is said that the effect of Mr. White's historical lectures was most remarkable ; Dr. Adams waxes enthusiastic over it. Thus :

It was like the coming of the Greek Chrysoloras from Constantinople to Florence, from the East to the West. The American Professor brought the Renaissance to a new world, to the great North-west. He came in the first flush of early manhood from the great centres of European culture and politics. He felt the joy of existence, the stir of the world. His lectures communicated his own feeling to the students of the University. All felt as Ulrich von Hutten, the humanist, said of the revival of learning : " Minds are awakening ; studies are blooming ; it is a joy to live. "

To students entering the University without preparation, Mr. White used to recommend acquaintance with the following works :

Gibbon's Decline and Fall of the Roman Empire.

Grote's History of Greece

Arnold's History of Rome

Merivale's History of Rome

Merivale's Rome under the Cæsars,

Since 1877 Michigan has been adding to its library at the rate of 3,000 volumes annually. A fine new library-building, which cost something over 85,000 dollars, was opened in December 1883. The student newspaper, *The Chronicle*, constantly urges the Regents to buy more books. A Museum of History and the Fine Arts was begun in 1855, and purchases of plaster-casts of ancient statues, engravings, photographs, &c., have been made in Europe for the illustration of lectures on Classical Art and antiquities. These have since been added to, both by purchase and gift. Especially interesting to students of history is the Horace White collection of 900 portrait-medallions, illustrative of mediæval and modern history. The experience of German Universities attests the educational value of such collections. It has been said that Harvard grew upon a collection of books, Michigan on a foundation of land ; but books and art studies have quickened it into higher life. Our author writes that the new library and its new treasures have given strength to every department, but especially to the departments of Historical and Political Science, which were planted anew in library soil, where they began to flourish as they never had done before.

Cornell University is referred to as " institutionally speaking the offspring of Michigan." It is specially a scientific and industrial seat of learning ; but there is a chair devoted to History and Political Science. On the invitation of its incumbent, Mr. Goldwin Smith, a few years ago, delivered lectures on the General and Constitutional History of England. Other notabilities are, from time to time, engaged to lecture on various

historical subjects, and, in connection with the lectures, students are expected to make frequent use of the University Library, which is well supplied with works on Ancient, English, and General History. President White has firm faith in the efficacy of studies in these subjects, and in the History of Civilization. Here is an Examination Paper set by him.

1. Give some account of Brunelleschi and his connection with the history of Florentine Art.
2. Sketch the cause of the decline of Art after Michael Angelo and Raphael.
3. Give a brief account of the Colloquies of Erasmus. Name some of them. State the resemblances between Erasmus and Voltaire.
4. Give the main features of the struggle between the Obscurantists and Humanists,\* with an account of the part taken by Pfefferkorn.
5. Give the dates of Charles V.'s accession to the thrones of Spain and Germany. What was his title as king of Spain?
6. Give a short account of the attempt made by Charles V. on one side and Francis I. on the other, to secure the alliance of Henry VIII.
7. What was the League of Schmalkalden? What was the peace of Passau, and when?
8. State the effect of the war between Charles V. and Joseph I. on Protestantism in Germany.
9. Give the names of Loyola's principal associates in founding the Order of the Jesuits.
10. State the part taken by Lainez in the Council of Trent.
11. Give the date of the beginning of the Council of Trent. Where is Trent?
12. Describe the connection of Wallenstein with the Thirty Years' War.
13. What is Cardinal Richelieu's relation to the history of religious toleration?†
14. What struggle was going on in England at the time of the Froude?
15. Name the two religious orders founded by St. Vincent de Paul.
16. Name the chief political opponents in Europe of Louis XIV. What were *Les Chambres de la Réunion*?
17. Give the main points in the connection of John Law with the French Government.

In 1872-73 James Anthony Froude gave a course of lectures at Cornell on the study of English history. The first foundations for a chair of American history were laid at Cornell in 1871-72. Professor George Washington Greene was the first incumbent. Here is one of *his* Examination Papers:—

1. What four nations laid claim to the territories which ultimately became the United States?
2. Upon what principle did each found its claim?
3. What was the original object of the colonization of Virginia?

\* Among the most original and interesting of Mr. White's literary collections are, "pamphlets, tracts, and ephemeral writings issued during the first period of the Obscurantist and Humanist struggles, at the close of the fifteenth and beginning of the sixteenth centuries, the nucleus of which was made by D. Simon, of Berlin." Mr. White also mentions in the preface to his syllabus "A collection of original materials bearing upon the latter part of the same struggle, mainly embracing contemporary histories, biographies and pamphlets relating to Erasmus and the men and events of his time. The foundation of his collection was made by Mr. George P. Philes of New York." A complete catalogue of Mr. White's library has been made by Mr. Burr.

† The last five topics belong properly to the special course on French history, as shown in the reviewer's readjustment of the syllabus, but it is evident that Mr. White worked out his earlier lectures on French History as part of his general course, and then added special courses on the greater States of Continental Europe, including supplementary lectures on France.

4. What that of New England?
5. What where the three forms of the relations of the Colonies to the mother country?
6. How did alienation begin?
7. Explain the connection between the Stamp Act and the Battle of Lexington
8. Through what channel did the colonists receive their specie?
9. Give the story of the Hutchinson letters.
10. What was the civil Government of the Revolution?
11. What was the first great financial error of the Revolution?
12. What was the fundamental error with regard to the army of the Revolution?
13. Who was the great diplomatist of the Revolution?
14. Name some authors and their works.
15. What two foreign officers rendered the most important services during the War of Independence?
16. What was the early life of Jean de Kalb?
17. What two schools of military tactics were represented in the American Army?
18. What was the approximate number of German mercenaries?
19. What was De Kalb's commission from Broglie?

Cornell has a splendid historical library, and many artistic treasures derived from various sources.

The John Hopkins University was opened at Baltimore in 1876 for the advancement of Science, and General Education. The main idea of the founders appears to have been a reaction from too much of the Prussian collegiate system. The John Hopkins University was to be pre-eminently American. And it is so, although not too much and too exclusively. We are told that in the John Hopkins University Physical and Historical Geography are made the basis of instruction in Historical and Political Science. By the aid of the best maps,—more especially of relief maps,—attention is called, in a course of class lectures, to the physical structure and conformation of various historic lands; to the influence of coast-lines, harbours, river-courses, plain and mountain, soil and climate, upon a nation's character and history. Such object-lessons concerning the physical structure of the earth's surface become an important means for teaching the outlines of Universal History. Adjoining the geographical room is one devoted to statistics, which are carefully collected, and collated from all parts of the United States. Files of almanacs, calendars, statesmen's year-books, etc., are kept. It is a Statesman's Bureau in embryo. Then, there is a Historical and Political Science Association: also an "Undergraduate Department," under the auspices of which students give lectures to their own class upon subjects connected with the Academic course. We quote two specimen courses:—

I. *Historical Course*.—Carthaginian Commerce; Carthaginian Treaties; Grecian Economics; Grecian City Government; the Aristocratic Character of Roman Institutions; the Roman Municipal System; International Influence of Roman

Ethics; International Influences of the Church; International Influence of Chivalry and of the Crusades; Theories of Church and State; Phases of City Government in Florence; the City Government of German Free Cities and the Rhenish League; the Hanseatic League; the Government of the Swiss Cantons; the Federation of Switzerland; the Estates of Holland and their Federal Relations.

II. *Political Course*.—England in Egypt; the International Association for the control of African Trade and the River Congo; France in Tonquin; the Opening of China; Character of Chinese Diplomacy; the Opening and recent Progress of Japan; Relations between Germany and the Vatican; Papal Policy in America; Who should control the Panama Canal if there were one; International Congresses; the Question of an International Tribunal; the Diplomacy of the United States *versus* the Indians; the Relation of Political Ethics to International Law; the Theory of a World State; Freedom of the Sea and of Great Rivers; the American Fisheries; the Monroe Doctrine in its relation to South American Republics; Review of the present International Relations of the United States.

Examination of Fourier's doctrines and communistic ideas is not shirked. In political economy proper, as well as in the history of political economy, the same method of original research, and student lectures is pursued with gratifying results.

Vassar College was founded in 1861, and was designed "to accomplish for young women, what our Colleges are accomplishing for young men." Its aim is to give the young women a thorough Collegiate education. It has thirteen professorships, and a large corps of assistant teachers, extensive cabinets, a well-equipped astronomical observatory, a chemical and physical laboratory with its own endowment, a library of 15,000 volumes which rejoices in a permanent fund for its increase, an Art Gallery, a School of Music, and a School of Painting! Verily, the young women who are students at Vassar must find their lot cast in pleasant places! The chairs of Classical Languages, Physics, and Chemistry are sufficiently endowed, and that of Astronomy is partly so. A distinct chair of History has hitherto been the one thing wanting in this well-ordered scholastic economy. History, however, has been taught to the senior class by the President. It has been impossible to do anything in the way of Political Science, except as linked with Ethics and Political Economy. Nevertheless, the young women of Vassar have assimilated a large amount of useful knowledge; and the recent appointment of Miss Salmon (Fellow in History at Bryn Mawr, and A. M. of the University of Michigan) to teach History at Vassar is likely to do away with any shortcomings that may have been felt.

Here is her programme for 1887-88:—

Freshman-year, second semester, lectures on the History of Art, one hour weekly (elective); sophomore-year, first semester, three hours (pre-cribed), Oriental, Grecian, and Roman History to 476 A. D.; sophomore-year, second semester, four hours (elective), History of the Eastern and Western Empires, Conversion of the Northern Nations, the Holy Roman Empire, Crusades, Renaissance, and Reformation; junior-year, first and second semester, three hours (elective), History from the Reformation through the French Revolution, with a survey of Contemporary Europe; senior-year, first semester, four hours (elective), English and American Constitutional History; senior-year, second semester, three hours (elective), Political Economy.

Wellesley College is another Academy for the higher education of women. It was opened in 1875. The College is beautifully situated in the town of Wellesley, in a park more than 300 acres in extent, and stands upon a commanding site, overlooking Lake Waban. It is only 15 miles from Boston. There is a serviceable college library of some 30,000 carefully-selected volumes, and there are laboratories, etc. There is a Debating Society, and debates are conducted on the model of those in the English House of Commons; without, we suppose, the cat-calls, cock-crowings, and uproar sometimes dominant in that august assemblage. We hope so at any rate; but it seems that the girls are given to impersonation of well-known English politicians. In that case careful selection must be needful as this paragraph suggests:—

Last year we debated the home-rule question in Parliamentary form. A hall was fitted up in imitation of the House of Commons; the Speaker and Sergeant-at-Arms appeared in costume. The three parties, with their leading members, were spiritedly represented. The bill was read, debated, and put to vote. A division was taken on it with a result that would have been gratifying to Mr. Gladstone. The right of nullification was also debated according to Senatorial procedure.

College-work in History was commenced by Miss Mary B. Sheldon, B. A. (University of Michigan). Miss Sheldon's method of teaching was to furnish the students with suggestive outlines of Political History and Methods of Government, with extracts from literature, laws, charters, &c., and illustrations of typical art and architecture. They were taught to observe, to draw conclusions, and to recognize the significance of events. The distinctive features of work at Wellesley are said to be, first substitution of tabular views and library references for textbooks; second, the large amount of literary work done by students; third, the amount of individual attention bestowed on students, and rendered possible by the largeness of the teaching staff employed.

Smith College is another educational centre for women. It was founded in Northampton, Mass., in the year 1875 by the bequest of Miss Sophia Smith. Instead of having *quasi*-conventual walls and bolts to shut its young women in withal, Smith College has, from the outset, distributed them in cottages and family-groups, each in charge of a cultivated lady, having her own rooms and her own domestic establishment. Smith College has well-organized departments in Languages, Ancient and Modern. Mathematics and the Sciences, History and Political Science, Philosophy, Art, and Music. Historical novels are admitted to a place in the curriculum. Map-drawing is obligatory. Books, or portions of books, are recommended for private reading. Here is a list of the amount of reading requisitioned and got through in one term, of ten weeks' duration, by a class of beginners in History:—



## EGYPT.

• Unity of History (Freeman). Geography (Herodotus). Gods of Egypt (J. Freeman-Clarke). Manners and Customs (Wilkinson). Upper Egypt (Klünzinger). Art of Egypt (Lübke). Hypatia (Kingsley). • Egyptian Princess (Ebers).

## PALESTINE.

Sinai and Palestine, 40 pages (Stanley). History of the Jews (extracts from Josephus) The Beginnings of Christianity, Chap. VII (Fisher). Religion of the Hebrews (J. Freeman-Clarke).

## PHENICIA, ASSYRIA, ETC.

Phœnicia, 50 pages (Kenrick). Assyrian Discoveries (George Smith). Chaldean Account of Genesis (George Smith). Assyrian Architecture (Fergusson). Art of Central Asia (Lübke).

Dr. Adams holds that the method of teaching History, which converts bright young pupils into note-taking machines, is a bad method. "It is," he affirms, "the construction of a poor text-book at the expense of much valuable time and youthful energy. Goethe satirized this fault of German academic instruction in Mephistopheles' counsel to the student, who is advised to study his notes well, in order to see that the Professor says nothing which he has not said already. The simple-minded student assents to this counsel, and says it is a great comfort to have everything in black and white, so that he can carry it all home. But no scrap-book of facts can give wisdom, any more than a tank of water can form a running spring. It is, perhaps, of as much consequence to teach a young person *how* to study History, as to teach him History itself." Aye; so! And *how* about the bed of Procrustes?

Bryn Mawr College for women was founded and richly endowed by Dr. Joseph W. Taylor, a Quaker philanthropist of Burlington, New Jersey, who died in 1880. Bryn Mawr (Welsh for highland) is a suburb of Philadelphia; "in the world, and yet not of it—an ideal position for all scholarship." Dr. Adams considers that it combines all the advantages of town and country, with a background of wealth and respectability to boot. Bryn Mawr was opened to students in 1885 and adopted the cottage-system so successful at Smith College, together with "all that could be learned from the more centralized life and administration of other institutions." In the course on English History, text-book work is subordinate. The lecturers aim, for the most part, to throw light on the leading questions in the England of to-day. They treat, therefore, of the History of Ireland before and since the union with England, and of the circumstances attending the consummation of that union; the History of the House of Lords, and of the Peerage; the History of the English Church; the History of Representation in Parliament; the tariff; colonial government; the union with Scotland; the land laws and their effects on England and on Ireland, and other like topics; and textbook-work is directed on these lines.

The history of the United States is also discussed in topical lectures. Amongst the topics chosen are these: English colonial policy; contrasts in colonial life, manners, and institutions; the foundation of the colonies; England *vs.* France and Spain in America; the Revolution and its causes; the Constitution; history of political parties; the Monroe doctrine; President Jackson; the National Bank; the Mexican War; the westward migration; the causes of the Civil War; the results of the Civil War.

Each year's work is prefaced by a few lectures on the Philosophy of History and the objects and methods of historical study.

The text-books used are Smith's History of Greece, Leighton's History of Rome, Green's Short History of the English People, and the 'Student's' History of France.

*The College of William and Mary: A contribution to the History of Higher Education, with suggestions for its National promotion.* By Herbert B. Adams, Ph D. (Heidelberg), Associate Professor of History in the John Hopkins University.

This is labelled No. 1 of the American Educational Bureau's Circulars of Information sent us. Perhaps it is more intrinsically interesting for the general reader than either of the two we have taken account of above; but certainly they are of more importance, more solid worth. On that score they have been preferred to honour in the way of priority. We turn now to No. 1, the story told in which is helped on by some very well executed prints.

In 1619 Sir Edward Sandys, President of the Virginia Company in England, secured a grant of ten thousand acres of land for the establishment of an university at Henrico. In connection with this plan, the English Bishops got together fifteen hundred pounds for the encouragement of Indian education. Tenants were sent over to cultivate the University lands; and Mr. George Thorpe, a gentleman of His Majesty's Privy Chamber, went with them to superintend affairs. In the spring of 1622, he and three hundred and forty settlers were massacred by Indians.

In 1624, the determination to have a Virginian University again, stirred the hearts and opened the purse-strings of English people. Past experience of Indian treachery recommended some out-of-the-way, secluded spot as most fit for the purpose in hand; and it was decided to erect *Academia Virginiensis et Oxoniensis* upon just such a spot,—an island in the Susquehanna river to wit. This project also failed, owing to the death of its chief advocate and promoter, Mr. Edward Palmer.

In 1660, the Colonial Assembly of Virginia took into its own hands the conduct of State Education. The motive, Dr. Adams says, was precisely the same as that which influenced the General Court of Massachusetts when it established Harvard College, and Grammar Schools to fit the youth of the State "for ye university." The Virginians voted, "that for the advance of learning, education of youth, supply of the ministry, and promotion of piety, there be land taken upon purchases for a Colledge and Free Schools, and that there be, with as much speede as may be convenient, houseing erected thereon for entertainment of students and schollers." It was also voted that the various Commissioners of County Courts should take (levy?) subscriptions on Court-days for the benefit of the Colledge, and that they should send orders through their respective counties to the vestrymen of all the parishes, for the purpose of raising money from such inhabitants as "have not already subscribed." The Governor, the Members of the Council of State, and the Burgesses of the Grand Assembly themselves set a good example of liberality, and severally contributed to the fund "severall considerable sumes of money and quantityes of tobacco." Still, little or nothing was really accomplished at the time, beyond getting in the contributions, where that was possible. Beverley, who published a History of Virginia in 1705, says: "The subscribed money did not come in with the same readiness with which it had been underwritten." The population was very scattered. Settlers, instead of gathering together in towns and villages, as New England colonists were by law bound to do, dispersed more and more,—an agricultural population, somewhat nomadically inclined, and always on the look-out for fresh fields and pastures new, and better than those presently in their occupation,—so that it was difficult to get at them and their promised money. Of ready cash, indeed, they seldom had much. The early Virginians were well enough disposed towards Schools and Colleges, for the most part; but such circumstances as Physical Geography and Political Economy opposed to their liberal dispositions. And, again, in rural districts, it always happens that subscriptions are realized in a leisurly manner: and Virginia was no exception to the rule. Yet the Virginians really meant to have a College, some day or other. In support of this good intention, two thousand five hundred pounds were in 1688-89 subscribed for by some gentlemen of the colony and their merchant friends in England, towards the endowment of higher education. In 1691 the Colonial Assembly sent an agent to England to secure a Charter for the proposed College. He took his mission straight to Queen Mary, who favoured the idea, and her prudent Consort

prudently concurred. They agreed to allow two thousand pounds out of the quit-rents of Virginia towards the building fund. The Emissary went to Seymour, the Attorney-General, and showed him the Royal Command to issue a Charter: Seymour demurred. The country could not afford it, he said. The Emissary urged that the College was intended to prepare young men for the Ministry of the Gospel. Virginians had souls to be saved, he suggested, as well as their English countrymen. "Souls," quoth Seymour, "damn your souls; make tobacco." Finally, however, the English Government—Seymour's brutal frankness notwithstanding—concluded to give not only £2,000 in money, but also 20,000 acres of land and a lien of one penny on every pound of tobacco exported from Maryland and Virginia, together with all fees and profits arising from the office of Surveyor-General, which sources of income were to be controlled by the President and Faculty of the College. They were authorized to appoint special surveyors for the counties whenever the Governor and his Council thought it necessary. These privileges, granted by Charter in 1693, were of great significance in the economic history of Virginia. They brought the entire land system of the Colony into the hands of a Collegiate Land Office. Even after the Revolution, one-sixth of the fees to all public surveyors continued to be paid into the College treasury, down to the year 1819, when this custom was abolished.\* In no way could the College of William and Mary have better grasped the political economy of Virginia than by taxing its tobacco and surveying its land. This union of the College with the practical interests of the Colony developed that wise statesman, George Washington, who received his first public commission as county surveyor at the hands of the President of William and Mary.

The colonists were not backward in supporting the foundation they had been so long striving to secure. For it, the Virginia House of Burgesses levied a permanent export duty on all skins and furs. In 1718 it appropriated one thousand pounds for the education of "ingenious scholars, natives of this Colony." Maryland, like Virginia, was taxed a penny a pound on all exported tobacco, and the special right of Maryland youth to be educated at William and Mary was early recognized. In 1734, a tax was imposed on all imported liquors, and the proceeds given to the College to buy books with: "One of the best dispositions of a liquor tax on record," says our author. Various scholarships or "foundations," yielding pecuniary support to students were established early in the history of the College, thanks to Virginian liberality. A bequest made by the

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\* Henning's *Statutes*, xi, 310; *Code of Virginia*, 1873, p. 710.

Hon'ble Robert Boyle was applied to the encouragement of Indian education, and the propagation of the Gospel amongst Indian tribes. In 1734, the President, masters, and scholars of the new College, and all domestic servants in collegiate employ, even were for exempted from taxation: a survival of monastic tradition. Another instance was the veto put on a Professor's marriage. The salary originally assigned to the President was £150 a year: it was afterwards cut down to £100. The masters got £80 a year, with 20 shillings entrance fee, and 20 shillings, for tuition, from each student entrusted to their care. There were six Masters, or Professors—one for Divinity, one for Mathematics, one for Philosophy, one for Languages, one for Humanity, and (even at that remote time) one for History. Middle Plantation, on account of its salubrity, was the site chosen to build on; and since "it would be highly advantageous and beneficial to his Majesty's Royal William and Mary to have the conveniences of a town near the same," Williamsburg was built there too, and made the Capital of the State. The men of that time did not hold that the further away from a town their schools and Colleges were the better it would be for all concerned with them: "Contrariwise," as it is written in *Alice in Wonderland*. He who tells the story of William and Mary writes: "It is a very bucolic view of the higher education to expect it to flourish in the open fields, apart from human society, away from great libraries, museums, schools, churches, and from all the helpful, quickening influences of Municipal life. Civilization and culture are, historically speaking, the products of towns and cities."

The original College building was destroyed by fire in 1705, but was forthwith restored in the same style. A tract published in 1724 on *The Present State of Virginia*, thus describes it:—

The front, which looks due east, is double, and is 136 feet long. It is a lofty pile of brick building, adorned with a cupola. At the north end runs back a large wing, which is a handsome hall, answerable to which the chapel is to be built; and there is a spacious piazza on the west side, from one wing to the other. It is approached by a good walk, and a grand entrance by steps, with good courts and gardens about it, with a good house and apartment for the Indian master and his scholars, and out-houses; and a large pasture enclosed like a park, with about 150 acres of land adjoining, for occasional uses. The building is beautiful and commodious, being first modelled by Sir Christopher Wren, adapted to the nature of the country by the gentlemen there; and since it was burned down it has been rebuilt, and nicely contrived, altered, and adorned by the ingenious direction of Governor Spotswood, and is not altogether unlike Chelsea Hospital.

It was built in a courtly neighbourhood; about which an English visitor wrote thus:

At the Capitol, at publick times, may be seen a great number of handsome, well-dress'd, compleat Gentlemen. And at the Governor's House upon Birth-Nights and at Balls and Assemblies, I have seen as fine an appearance, as good diversion, and as splendid entertainments in Governor Spotswood's time, as I have seen any where else.

Williamsburg, is a market-town, and is governed by a mayor and aldermen. It is a town well stock'd with rich stores, of all sorts of goods, and well furnished with the best provisions and liquors. Here dwell several very good families, and more reside here in their own houses at publick times. They live in the same neat manner, dress after the same modes, and behave themselves exactly as the Gentry in London; most families of any note having a coach, chariot, Berlin, or chaise. The town is laid out regularly in lots or square portions, sufficient each for a house and garden. Thus, they dwell comfortably, genteelly, pleasantly, and plentifully in this delightful, healthful, and (I hope) thriving city of Williamsburgh.

It was at Williamsburgh that Shakespcare's plays were first acted in America. The College and the town grew and flourished together, mutually helpful. Whatever mere schoolmen may say, there is no such efficient school for the conduct of life as early acquaintance with the world, with society, and with life. "A wise blending of scholastic and social culture makes all the difference between the mediæval monk and the modern man. . . . Virginia is called the Mother of Presidents; but the College of William and Mary, the *Alma Mater* of Statesmen, is only another name for Virginia."

At the time of the War of Independence, when the British forces surrendered at Yorktown in 1781, the President and Professors of William and Mary sent an address of congratulation to Washington. He replied, on the 27th of October, in a letter addressed to the "President and Professors of the University of William and Mary," accepting their felicitations and rejoicing at the return of peaceful security to his fellow-citizens. "The seat of literature at Williamsburg," he said, "has ever, in my view, been an object of veneration. As an Institution important for its communication of useful learning, and conducive to the diffusion of the true principles of rational liberty, you may be assured that it shall receive every encouragement and benefaction in my power toward its re-establishment. The sick and wounded of the army, whom my necessities have compelled me to trouble you with, shall be removed as soon as circumstances will permit—an event which will be as pleasing to me as agreeable to you."

Dr. Adams gives much interesting information about George Washington and Jefferson, and their doings; but our concern is with William and Mary, and therefore we must needs pass it by. Although William and Mary was mainly recruited from Virginia and Maryland, they had no monopoly of its advantages. Kentucky and Tennessee abundantly shared in them: many distinguished western men graduated at the Royal College. Here are the outlines of the general plan of instruction pursued there in 1836:

There were the departments of: (1) the ancient languages; (2) the modern languages; (3) the sciences. In the latter department there were four Junior and four Senior classes, and the Law class. There was the Junior Moral class, embracing Rhetoric, Belles lettres, Logic, Ethics, Philosophy, &c.; the Junior Mathematical, extending as far as Solid Geometry, Mensuration, and Surveying; the Junior

Political, embracing Civil History, Ancient and Modern, occupying the first half of the course, and the Law of Nature and Nations and the Science of Government occupying the second half. "The four Senior classes were the Senior Moral, the Senior Mathematical, the Senior Political, and the Natural Philosophical, which carried the students into very advanced work for those times. A certain number of these class-courses was required for the degree of Bachelor of Arts, and certain courses, *e.g.*, history, were elective. There was enough class-work offered to occupy three years, but a student could secure a degree in two years. The Law course was quite distinct from any hitherto mentioned: it embraced lectures upon the law as it existed in Virginia, upon police, or administration, the history and principles of the constitutions of the United States and of Virginia. Blackstone's Commentaries and Madison's Reports were the text-books in law. The method of instruction in Law, History, and Political Science was by lectures, combined with "recitations from appropriate text-books."

The Revolution sowed the seeds of decline in William and Mary. The English endowments were diverted into English channels, the College lost its privilege of levying a tobacco tax, money had become paper, and had depreciated in value the State Capital was removed to Richmond. It was proposed to remove William and Mary there, too. The idea was a popular one, both within and without the College walls; but it came to nothing; and the old Institution kept its head above water bravely for many years—till the Civil War broke out in 1861, and every man and every youth connected with the Institution took up arms for the South. That was the undoing of William and Mary. Patriotism is not always a paying business, and here is the story of the ending, as told in a U. S. official record:—

The Peninsula formed by the James and York Rivers was debatable ground occupied alternately by the contending forces. Williamsburg, the site of William and Mary, is its strategic point, the key of the military position, and terrific battles were fought for its possession. In September 1862, Williamsburg was held by a detachment of the United States Army, but on the 9th of that month the place was attacked and occupied by a force of Confederate cavalry, who held the city until 11 o'clock of that day. Upon the evacuation by the rebel cavalry and the return of our troops, a body of stragglers from the United States forces, drunken, disorderly, and insubordinate, fired and destroyed the College building, with the library, apparatus, furniture, and other property therein, belonging to the Institution. Afterwards, during the War, other houses and property of the College and connected therewith were destroyed by Union soldiers."\*

Numerous and influentially backed petitions have from time to time during the last quarter of a century been presented to Congress, praying for compensation for the wanton destruction committed by Northern troops, contrary to all the usage of civilized war—nay, even in the Dark Ages—for churches and schools were exempted from war's ravages. It was urged that northern men did the mischief and northern men ought surely to hasten to repair it. But, though the National Treasury is "bursting with silver," and there is an annual surplus of 100,000,000 dollars, yet the men in charge of affairs at Washington are deaf to

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\* House Report, No. 6, 42d Congress, 2d Session, Vol. 1, January 29, 1872.

all entreaties on behalf of William and Mary. There is something pathetic in the story of its ultimate dissolution, as told by Dr. Adams :—

Enough money was contributed to restore the main building of William and Mary and to organize the Faculty anew with departments of Latin, Greek, Mathematics, Modern Languages, Natural Science, Philosophy, and Belles-lettres, but the annual expenses exceeded the annual income. Old endowments had been lost ; new ones proved inadequate. At last the professors were all dismissed, because their salaries could not be paid ; consequently, students disappeared. The President alone remained at his post. During one year he had one student ; but even he has gone. The President remains still at the College. At the opening of every Academic year, in October, he causes the chapel bell to be rung. Does it ring for the living, or does it toll for the dead ? Is it the clang of a bell of warning to all friends of the higher education, a bell buoyed over a sunken rock upon the dangerous coast of popular ignorance and national neglect, or is it a summons to men in every State and at the nation's Capital to do their duty in the cause of higher education,—to be "Wise, and True, and Just," as were the founders who gave that ancient motto to the College of William and Mary ?

JNO. HOOLEY.

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## ART. X.—JUSTICE TO WHOM JUSTICE IS DUE.

THE decision of the Government of India in regard to the settlement of pensions on the members of the Oudh family, has not evoked that impartial criticism in the Indian press which the importance of the subject demands. Except a few articles in the daily *Statesman*, scant justice has been done to it by the other exponents of public opinion. Of course the *Pioneer* has had something to say about the revision of allowances following the demise of Wajid Ali Shah, but it has been said with the flippant heartlessness characteristic of that paper's inspired writings on the affairs of Native Princes. Referring to the case of Prince Kamar Kadur it remarks ;

An attempt is being made to create a grievance on behalf of Prince Kamar Kadur, who has been recognized by Government as representative of the family of the late King of Oudh. It appears that he has been granted an allowance of Rs. 3,000 per mensem, and given Rs. 12,000 to assist him in paying his debts. The grievance is that he is not granted Rs. 5,000, and that the whole of his debts (Rs. 40,000) are not liquidated. The only argument that can be urged in favour of this view is that his elder brother, Prince Hazabai Ali, who died some years ago, received Rs. 5,000 monthly. Considering that Prince Kamar Kadur has hitherto been living on Rs. 300 per month, we fail to see that he has been hardly used at all. The tax-payer, who groans under the burden of the income-tax and the miseries of a depreciated silver currency, will probably share our views.

This is a pure fabrication. There has been no attempt "made to create a grievance," unless the assertion of one's rights may be distorted into a grievance ; for it already exists independent of the officious interference of a service-organ, as I hope presently to show. Everybody knows that if the Prince had asserted his claim to a montly stipend of Rs. 5,000 on the demise of his elder brother Mirza Hazabai Ali, the Government would have had no alternative but to entertain his prayer. But there was a fatal objection in the way of the Prince pressing his claim on the notice of the Viceroy. That sum would have had to be deducted from the *corpus* of the pension allowed to the King, and as the Prince has never been a rebellious son, but, on the contrary, was dutiful and affectionate, he abstained from making the demand, lest he might wound his father's feelings. This cannot be construed into a voluntary and formal relinquishment of his claim.

With regard to the statement that he "has been living on Rs. 300 a month," it would be consistent with the truth if the writer of the paragraph had said, that "he had been compelled to live" on that miserable pittance, and, therefore,

contracted heavy liabilities which he now finds difficult to meet without the help of the Government. First prick a man, and, when he bleeds, punish him for bleeding. But that is the way of the *Pioneer*, and the less said about it the better for the credit of Anglo-Indian journalism. It is not my purpose to inflict upon the readers of this *Review* the oft-repeated tale of Wajid Ali Shah's deposition and the subsequent events which led to the Sepoy Revolt of 1857; these are facts generally known to every student of Indian history, and they need not be recapitulated here. What I am concerned with at present, is to show how far the British Government is justified in its treatment of the wives, sons, and dependents of the late King, as it should be interpreted by the light of documentary evidence, published at a time when India was in the throes of a rebellion and there was very little cause for a moderate expression of views on the part of the Court of Directors who were then the real rulers of the country. The point, then, to be determined is, whether the penalty imposed on the King was brought about by reason of his disloyalty to the Paramount Power or for some other cause. Instead of searching the writings of Sir John Kaye, Colonel Malleon, or Major Evans Bell, for a key to the outrage committed on the innocent Wajid Ali Shah, I shall rely on State documents in support of my position. On the 3rd of March 1858, the Secretary to the Government of India, forwarded to the Secretary to the Chief Commissioner of Oudh, a copy of a Proclamation which was "to be issued by the Chief Commissioner at Lucknow, so soon as the British troops, under His Excellency the Commander-in-Chief, shall have possession or command of the city." Important as those two documents are, throwing a flood of light on contemporary events, they would tire the readers of this article to go through; and as the reply received from Home reviewing the Proclamation deals exhaustively with it, as also the letter referred to above, I will give verbatim the minute of the Secret Committee of the Court of Directors of the East India Company, dated 19th April:—

That authoritative expression of the will of the Government, informs the people that six persons,\* who are named as having been steadfast in their allegiance, are henceforward the sole hereditary proprietors of the lands they held when Oude came under British rule, subject only to such moderate assessment as may be imposed upon them; that others, in whose favour like claims may be established, will have conferred upon them a proportionate measure of reward and honour; and that, with these

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\* Drighiggie Singh, Raja of Bulrampore; Koolyunt Singh, Rajah of Pudnaha; Rao Hurdeo Buksh Singh of Kutiaree; Kashee Pershad, Talukdar of Sissaindee; Zubr Singh, Zemindar of Gopal Khair; and Chundee Lal, Zemindar of Moraon, Baiswarah.

exceptions, the proprietary right in the soil of the province is confiscated to the British Government.

We cannot but express to you our apprehension that this decree, pronouncing the disinherison of a people, will throw difficulties almost insurmountable in the way of the re-establishment of peace.

We are under the impression that the war in Oude has derived much of its popular character from the rigorous manner in which, without regard to what the chief landholders had become accustomed to consider as their rights, the summary settlement had, in a large portion of the provinces, been carried out by our officers.

The landholders of India are as much attached to the soil occupied by their ancestors, and are as sensitive with respect to the rights in the soil they deem themselves to possess, as the occupiers of land in any country of which we have a knowledge.

Whatever may be your ultimate and undisclosed intentions, your Proclamation will appear to deprive the great body of the people of all hope upon the subject most dear to them as individuals, while the substitution of our rule for that of their Native Sovereign, has naturally excited against us whatever they may have of national feeling.

We cannot but in justice consider, that those who resist our authority in Oude, are under very different circumstances from those who have acted against us in provinces which have been long under our Government.

We dethroned the King of Oude, and took possession of his kingdom by virtue of a treaty which had been subsequently modified by another treaty, under which, had it been held to be in force, the course we adopted could not have been lawfully pursued; but we held that it was not in force; although the fact of its not having been ratified in England, as regards the provision on which we rely for our justification, had not been previously made known to the King of Oude.

That Sovereign and his ancestors had been uniformly faithful to their treaty engagements with us, however ill they may have governed their subjects.

They had more than once assisted us in our difficulties, and not a suspicion had ever been entertained of any hostile disposition on their part towards our Government.

Suddenly, the people saw their King taken from amongst them, and our administration substituted for his, which, however bad, was at least native; and this sudden change of Government was immediately followed by a summary settlement of the revenue, which, in a very considerable portion of the province, deprived the most influential landholders of what they deemed to be their property; of what, certainly, had long given wealth, and distinction, and power to their families. We must admit that, under the circumstances, the hostilities which have been carried on in Oude, have rather the character of legitimate war than that of rebellion, and that the people of Oudh should rather be regarded with indulgent consideration than made the objects of a penalty, exceeding in extent and in severity, almost any which has been recorded in history as inflicted upon a subdued nation.

Other conquerors, when they have succeeded in overcoming resistance, have excepted a few persons as still deserving of punishment, but have, with a generous policy, extended their clemency to the great body of the people.

You have acted upon a different principle; you have reserved a few as deserving of special favour, and you have stuck, with what they will feel as the severest of punishment, the mass of the inhabitants of the country.

We cannot but think that the precedents from which you have departed

will appear to have been conceived in a spirit of wisdom superior to that which appears in the precedent you have made.

We desire that you will mitigate, in practice, the stringent severity of the decree of confiscation you have issued against the landholders of Oude.

We desire to see British authority in India rest upon the willing obedience of a contented people. There cannot be contentment where there is general confiscation.

Government cannot long be maintained by any force in a country where the whole people is rendered hostile by a sense of wrong ; and if it were possible so to maintain it, would not be a consummation to be desired.

This plain statement of affairs brings in bold relief two indisputable facts : (1) that the ancestors of the late King. Wajid Ali Shah, and he himself, were thoroughly loyal to the British Government, and that he was deprived of his kingdom by an act of jugglery, which will be severely condemned wherever the history of this confiscation is read ; and (2) that the war carried on by the people had "rather the character of legitimate war than that of rebellion." These two admissions, from a quarter from whence they were least expected, will serve my purpose. Of course, nothing can be said in vindication of the cruelties perpetrated by the populace, and the penalty meted out to them was well merited. But is the King to be held responsible for the acts of his subjects ; is he to suffer vicarious punishment for the misdeeds of others ? Had he been inclined to offer resistance, when could a better opportunity be found than at the time of his forcible ejection from his ancestral palace, among the wailings of his devoted, wives and dependents and an infuriated mob mourning his departure. If he had pointed a finger at his spoliators, history would have recounted another tale, and the horrors of the Mutiny of 1857 would have been thrown into the shade by more atrocious crimes. But Wajid Ali Shah remained staunch to the very last, and exhorted his subjects not to molest any body, as he still hoped—poor, deluded man !—some day to be restored to his possessions. For this act of loyalty he was relegated to an ignominious exile in the suburbs of Calcutta, with a miserable pittance of a lakh a month, to pine away his existence in a blissful dream that *Kismet* may bring about a change in his condition, and instead of being a prisoner in the hands of his old friends, he might be sent back once more to rule over Oudh.

After all that could possibly be done by the Government of Lord Dalhousie to ruin the Province, his advisers took shelter behind the allegation, that the annexation of Oudh was for the good of its people ; whereas if the truth were to be told, we did not leave a stone unturned to render ourselves as hateful to the rural population as to the landholders. By one stroke of his pen the latter,—the Barons of Oudh,—were despoiled of

all they possessed. Instead of recognizing their proprietary right in the soil our rule commenced by sowing the seeds of an agrarian revolution, which a short-sighted policy dictated would stand us in good stead in the time of our trouble ; but how grievously were we mistaken, and how great a Nemesis overtook us !

It is no less a matter of surprise than of regret that the Politicals should have so completely succeeded in hood-winking the Executive in regard to the provision made for the wives, children, and dependents of the late King. By a single fiat they have been in one burial blent. Wife or no wife, child or no child, the treatment accorded to some of them has been in complete harmony with the traditions of the Foreign Office : keep them on starvation-allowance, and in return expect the deepest gratitude for the smallest favours conferred. That the unfortunate Wajid Ali Shah was deprived of his kingdom without the slightest justification, and by a piece of chicanery of which any enlightened Christian Government ought to be ashamed, I will not stop here to discuss. If the penalty imposed on the King for being a loyal ally of the British Government was harsh, cruel, and opposed to all ideas of justice and righteousness, his unfortunate Queen, Malika Mokhuddoor-~~raioozmah~~ Nawab Badshah Mahal Saheba, fared still worse. She was married to the King when he was yet the heir apparent to the throne of Oudh, and, according to social usage and court etiquette, occupied a premier position, to which his subsequent wives could not aspire. She bore him three sons, none of whom, however, survived the father. When His Majesty was dethroned, she was informed by Captain Hayes, presumably under authority, that her pension would be fixed at Rs. 5,000 a month, but the promise was never redeemed. Nevertheless, as she was treated with the honours due to her rank and her wants were liberally supplied by the King on their settling down in the suburbs of Calcutta, she had no grave reasons for complaint. It should here be observed that at the time of her marriage the King entered into a contract, known as *Den Meher* under the Imamy Law, to pay her a sum of Rs. 25,25,500—one half to be recovered at any time she demanded it, and the other moiety fell due on the death of her husband, unless the King divorced her. The latter contingency not having occurred it is worse than useless to discuss the point. In the year 1881, a rupture having taken place with His Majesty, owing to the stoppage of her allowance, she took the opportunity of bringing the matter of her dower to the notice of Government. In May 1882, the Agent to the Governor-General with the King, called upon her to substantiate her claim to the dower. She drew up a Memorial,

accordingly, to the Supreme Government, in which she adduced all the evidence it was possible at that distance of time to bring together in support of her claim. The only reply she received was a letter from the Government of Bengal, which purported to be an answer to her Memorial, simply intimating "that the Government of India are not prepared to entertain her petition." On the death of the King, and after the passing of the Act in the Viceregal Council, vesting his estate in the Government, the latter called upon the creditors of his late Majesty to submit their claims for its consideration. This proceeding evidently offered the Begum an opportunity of demanding the moiety of her dower, which she did, in the belief that the question would be considered by the authorities. She was, however, disagreeably surprised to receive a letter some months afterwards from the Government Solicitor—who is also in charge of the estate of the late King, since the departure of Colonel Pridcaux—in forming her "that the subject was fully considered *during His Majesty's lifetime* and rejected, and the Governor-General in Council sees no reason for reopening her case."\* This is the usual stereotyped reply when Government is anxious to shirk the responsibility of a decision; but the *ground* of refusal has been shifted—this time. Now, let us examine the facts of the case as they actually happened and not as they were represented to the authorities through a distorted medium. The haste in which the royal family were compelled to leave Lucknow, precluded the Begum's obtaining possession of private documents and valuable properties which had to be left behind in the Palace; but she was led to believe that they, at least, would be spared in the general *loot* that followed, and would be sent on to her destination wherever that might be. The rebellion of 1857 occurred shortly after, and involved her fortune in the general wreck. Not only the original deed of marriage-settlement, but other private properties were destroyed by the mutineers. She was not, therefore, in a position to produce it for the inspection of the authorities. But, although the document was not forthcoming, its contents could be proved by indisputable oral evidence. The marriage of the heir apparent to a throne is a public matter, and could not be hid away under a bushel. There were a large number of persons then, as there are some still, living, who are thoroughly cognizant of the fact of Rs. 25,25,500 having been settled upon her. In fact, nothing could have been easier to prove than this, had Government been so inclined. Where could a more reliable witness be found than

\* The words I have italicised are a vague expression, since the King pined away his existence in durance vile from 1856 to 1887, and for the purpose of an excuse, the enquiry might have been held at any time these 31 years.

His late Majesty himself, besides a host of his nobles and servants who were left behind at Lucknow.

If further proof were necessary it will be found in the fact that four daughters of the late Nawab Naki Khan, the last Prime Minister of Oudh, had the same amount of dower settled upon them by their husbands, and the fifth daughter, who was married to His late Majesty after his accession to the throne, had a very large sum settled upon her. According to the Imamy Law, dowers are looked upon, and held to be, in the nature of deposits, which are not affected by the Statute of Limitation, until they become actually payable either on demand or on the death of the husband. If the Begum were left free to establish her claim in a civil tribunal there is no doubt as to its ultimate result. But Act XIII of 1868—which was passed for the purpose of preventing fraudulent and frivolous suits being urged against His late Majesty—could not have been intended by the Legislature to debar the prosecution of just claims, such as the redemption of unpaid dowers. According to the law of all civilized countries, as well as that of Islam, the property of a deceased person passes on, with his last breath, first to his creditors, and the balance, if any, to his legatees, notwithstanding the existence of a testament to the contrary. It applies in the same way to the estate of Wajid Ali Shah; and the subsequent passing of an Act by the Viceregal Council vesting it in the Government of India, does not affect the rights of his widow, nor relieves Government of its liabilities as a Trustee. However, after the Act had been passed, the Government called upon his creditors to submit their claims for the consideration of the Viceroy in Council. This proceeding evidently gave her an opportunity of preferring her demand, which she did without loss of time, in the belief that a patient hearing would be accorded to her. After months of silence, the only satisfaction she received was the letter from the Crown Solicitor referred to above. She has no lien on the Government, but as a trustee of her late husband's property; and what she prays for is thoroughly in accord with the dictates of reason and justice, *viz.*, that her dower be paid to the extent of the assets left by him. What she cannot understand, is the refusal of permission to sue his administrator. While the meanest subject of the Queen-Empress has the right to sue, and be sued, by the Secretary of State, why should she, the widow of a dethroned King, be denied the same prerogative, by virtue of a deed solemnly executed by himself, making a provision for her in her state of widowhood? But her misfortunes do not end here. Even in the matter of enhanced pension her usual ill-luck has attended her. Those who

received Rs. 90 or Rs. 100 during the life-time of the King, had their monthly allowances increased to Rs. 600; but the provision made for her years ago practically continues the same; and as the lawfully-married (*nika*) wife of the late King she has been dragged down to the level of the *motali* wives, or those who come under the category of licensed concubines!

Her cup of affliction, however, was not full till Sir Ashley Eden came upon the scene, with his Balm in Gilead, to the rescue of a proud but injured Queen. In a letter, dated 26th January 1881, she is informed "that the allowance payable by the King of Oudh for her maintenance has been fixed by Government at Rs. 600 per month, and that the payment of the allowance is conditional *on her remaining faithful to His Majesty.*" How the loathsome words italicised by me could have been committed to paper—not in a moment of excitement, be it observed but in a calm and sober mood—surpasses, my understanding. For the head of the Bengal Government to stoop to such a disgraceful manœuvring is a shameful blot on the administration of the country! With her eldest son murdered by the mutineers, and others taken away from her by death, deserted by her husband, alone and friendless in the world, smarting under accumulated misfortunes, Sir Ashley Eden goes far out of his way to attach a most humiliating condition to the acceptance of what is only a fraction of her rights! Such a base insinuation is unworthy of a ruler of sixty million souls, unworthy of a man of refined feelings, and unworthy of the sex to which the writer belongs! What a travesty of Christian charity! This reminds me of the memorable words of Burke: "I thought a thousand swords would have leaped from their scabbards to avenge the wrong offered to the injured Queen of France; but, alas! the days of chivalry are over, and those of atheists, economists, sophists, and calculators have succeeded, and the glory of Europe has been for ever extinguished."

A. STEPHEN.

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## FIELD FLOWERS.

[ENGLISH TRANSLATION FROM THE GERMAN OF KARL GEROCK.]

Under the heading *Feldblumen* (Field Flowers) Gerock gives a series of six poems :—

1. Maszliebchen, the Daisy.
2. Schlüsselblumen, Cowslips.
3. Felsennelke, the Mountain Pink.
4. Wegwarte, the blue Succory.
5. Glockenblumen, Bluebells or Harebells.
6. Herbstzeitlose, the purple Loosestrife.

(1.) One of the names applied to the Daisy in the original is Goose Flower. This I have omitted in the translation as, so far as I know, the name is given in England to a different flower, the Silverweed, *Potentilla anserina*.

(2.) Schlüsselblumen means literally the 'Key Flowers.' To the German, the Cowslips are the keys which open earth and sky, long locked up by winter, and let out the flowers. There being no such association of ideas in English, I could not bring this out satisfactorily in the translation.

(3.) The Succory—Here, again, the name Wegwarte, the Wayside Waiter, has an association it wants in English.

(4.) This translation has appeared in the *Madras Mail*; but it is given here again, to complete the series.

(5.) The poet shows much insight in choosing the melancholy purple Loosestrife for his farewell to summer.

M. R. W.

### (1.) THE DAISY.

White little stars upon the green,  
Do I already see you ?  
Ere suns of March have chased the keen  
Cold frost away to free you.  
Has some one kept you under glass  
Until the winter snows should pass ?  
Or have ye fallen from Heaven ?  
“ O ! no one kept us under glass,  
Or from high heaven let fall us ;  
Up from the sod to light we pass—  
Spring's firstlings people call us.  
Our necks have small white ruffs round them,  
Just tipped with rose-pink at the hem,  
Our little heads are golden.  
“ We're dear to all men, low and high,  
Fair Marguerites some style us ;  
Emblems of sweet simplicity,  
No charms of rank beguile us,  
And out of doors we keep us well,  
And please, though we've no fragrant smell  
Like lordly sweet Narcissus,

" Behind the town, upon the green,  
Where little folk are playing,  
We watch the games with eye serene.  
On our short stalks unswaying.  
We're happy in our life's brief day,  
Though poor and small, we smile and play  
Like children in the sunshine."

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(2.) THE COWSLIP.

Where sunbeams dance a measure  
Upon the green hill sides,  
O see the golden treasure  
The laughing Spring provides !  
O see ! O see ! for Easter day  
The golden Cowslip blossoms  
In all their bright array.  
The earth was locked up closely,  
No little brook might run,  
In prison shut, morosely,  
No flower might see the sun ;  
But now they troop forth more and more—  
The golden Cowslip blossoms  
The keys that oped the door.  
The heaven was walled up tightly  
With clouds of leaden hue ;  
Its mourning cast off lightly,  
Now shines it once more blue.  
Now earth and heaven are open free—  
The golden Cowslip blossoms  
Announce it joyously.  
Come, children, where you view them  
All brightly gild the field ;  
They gaily call you to them,—  
How sweet the scent they yield.  
And if with seeking tired you be,  
The fragrant Cowslip blossoms  
Will yield refreshing tea

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(3.) THE MOUNTAIN PINK.

The little mountain pink am I,  
Through rain or sunny weather  
In purple robe I sit on high  
Amongst the soft, warm heather ;  
And from my mountain seat I see  
Hunter and shepherd pass by me,  
And sheep on pastures nether.

Down on the plains below me, there,  
 I have a proud relation.  
 Of sweetest scent, and face most fair,  
 And most exalted station.  
 The pink shines in the garden rows,  
 The fairest flower the summer shows,  
 Of world-wide reputation.

No tender child of mother kind  
 Am I, scant nurture knowing,  
 Me cradles but the summer wind,  
 The moist rain sets me growing.  
 I live alone on light and air,  
 Scentless, nor splendid, and yet fair,  
 My face its gay smile showing.

Lightly the sod I thrust me through  
 I know not care nor sorrow ;  
 Gaily the troubled world I view  
 Nor fear I for the morrow.  
 In sunshine, or in cloud and shade,  
 Unseen I bloom, unwept I fade,  
 Nor other lot would borrow

#### (4) SUCCORY.

In pale blue dress I'm waiting  
 Beside the dusty way,  
 In hope all unabating,  
 Tho' summer glides away ;  
 And ne'er along the road I see  
 A lover come to look for me.  
 In pale blue dress I'm waiting  
 Beside the dusty way.

I am no dainty princess  
 Like bright Forget-me-not,  
 Who care for me evinces ?  
 What odes to me are brought ?  
 What am I but a poor small maid,  
 Who beareth much—with little said—  
 Ah, I'm no dainty princess  
 Like bright Forget-me-not !

I bloom not in the garden,  
 Nor in the shady hedge ;  
 I stand where dry winds harden  
 The dusty highway's edge.

Low to the ground is bowed my head,  
 Sore bruised by wind, with dust bespread.  
 I bloom not in the garden  
 Nor in the shady hedge.

My little cloak is tattered—  
 Uncouth neglected child—  
 'Tis rudely pulled and battered  
 By rain and storm-blast wild ;  
 But tho' the clouds loom dark and grey,  
 Mine eye still keeps the heaven's blue ray,  
 Altho' my cloak is tattered,  
 Uncouth, neglected child.

In pale blue dress I'm waiting,  
 Trusting and loving yet,  
 With hope still unabating  
 Not knowing vain regret.  
 And tho' in autumn I must fade  
 In winter lie down with the dead,  
 In pale blue dress I'm waiting  
 Trusting and loving yet.

### (5) BLUEBELLS.

Bluebell flowers, bluebell flowers,  
 By the castle ruins grey,  
 Whispering through the sunny hours,  
 Softly to and fro ye sway.  
 How your fairy bells light ringing  
 Draws the distant past anigh ;  
 Vididly before me bringing  
 Memories, of scenes gone by !

Here I came, a child, fast keeping  
 Hold of dear old grannie's hand—  
 Long since in the grave she's sleeping—  
 As we wandered through the land ;  
 How she loved you, how we sought you  
 'Fore all flowers' neath heaven's blue dome,  
 How, to please her, oft I've brought you,  
 As the foremost fav'rites, home !

Here, in youth's too fleeting hours,  
 Often came a merry throng,  
 Clamb'ring for the bluebell flowers  
 The old crumbling mounds along.

Of the azure bells a posy  
 Plucked I on the hill-top there,  
 And I gave it to a rosy  
 Blue-eyed maid with golden hair  
 O'er her heart she placed it after ;  
 Starry was the night and clear.  
 Home 'mid song and jest and laughter  
 Went the band with merry cheer ;  
 I forgot the gift, she keeping—  
 Ah sweet wife—its memory green ;  
 She, too, her long sleep is sleeping  
 'Neath the churchyard flowers unseen !

Many a day since then has found me  
 With my children on the hill,  
 While they ran and played around me  
 With the youngest by me still ;  
 Now to cull the bluebells racing  
 Where he spied them by the way,  
 Now the gathered blossoms placing !  
 In my hand in merry play !

Ah, that child, the loved, the loving,  
 In his grave sleeps cold and still—  
 Leaning on my staff, slow moving,  
 Lonely now I climb the hill.  
 When I see you, bluebells, swaying  
 By the wayside as I roam,  
 Dreamlike hear I round me playing  
 Sounds of bells that ring me home.

#### (6) LOOSESTRIFE.

Lowly Loosestrife, still thou'rt flowering—  
 Pale and scentless, crouching, covering  
 From the wintry wind's rude shock,  
 Last of Summer's flowering flock.

When sad Autumn damps the meadows,  
 Then thou'rt seen 'mongst chilly shadows,  
 Where pale rows of willows gleam,  
 O'er some gently gliding stream.

Now the water-meads are flowerless  
 But for thee, poor foundling, dowerless,  
 Whose bare stems no gay hues clothe ;  
 Poor in charm and small in growth.

Some say poison's in thy chalice,  
But I hold they speak in malice.  
When thy sober hues I see  
Soft regret steals over me.

When spring violets are blowing,  
When the roses' blooms are glowing  
In the splendour of the year,  
Scarce we think of thee I fear.

But now that the year is dying,  
And the autumn tints are flying,  
In the flowerless meads I see  
Thee alone to comfort me.

Summer after spring has hasted,  
All the year's rich sweets we've tasted  
The late reveller now drains  
From thy cup their last remains,—

Drains them from thy chalice tender,  
On its stem so frail and slender,  
Drains them, thankful to the last,  
Sorrowing that the feast is past.

DARJEELING, }  
20th May 1888. }

M. R. WELD.

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BALLAD.  
THE NEIGHBOURS' CHILDREN,  
*From Julius Wolff's "Lurlei."*

There were 'two neighbours' children  
Loved one another so,  
Each kept the secret, fearing  
To let the other know.

Nothing could make them tell it,  
Why each heart was heavy and sore,  
And they pined with love and longing,  
Till they could endure no more.

He hoped in foreign travel,  
From the weight of his woe to flee,  
She thought to find rest from her sorrow  
In the depths of the cold blue sea.

Now, the way of his wandering led him  
Past where she stood by the shore ;  
And he felt he must bid her a last farewell  
And hold her hand once more.

"What doest thou here, on the water  
So steadfastly gazing, say ?"

"O whither do'st thou so early,  
And hurriedly hie thee away ?"

"Far distant lands am I seeking,  
I hurry me to depart ;  
For I love a cruel disdainful maid,  
With a love that breaks my heart."

"Since I love one who regards me not,  
Let the wild waves bear me away ;  
For I cannot live without my love,  
No, not for another day."

"Now, who is the wretch whose heart is unmoved  
By the love of a maid like thee ?"

"Now, who is the minx who can drive thee away  
From thy native land to flee ?"

"By the edge of the cold sea-water,  
With pale, pale cheeks she stands"

"And he, his eyes all dim with tears,  
Would off to foreign lands."

O they lovingly looked at each other,  
Nor sorrow nor pain felt they ;  
No more did she long to rest in the sea,  
Nor he to be far away !

DARJEELING, }  
10th June, 1888. }

M. R. WELD.

## SCRAPS OF TRANSLATION FROM THE PERSIAN.

BY AIYYASH.

### *Inscription on the Signet of Nádír Sháh*

Nadiram dar Mulk-i Irán,  
Kádiram dar har diyár :  
Lá Fata ilá Ali,  
Lá Saif ilá Zu'lfikár.

(*Translation.*)

I am Nádír Shah of Irám,  
The victorious in war :  
No champion except Ali ;  
No sword but Zulfikár !

### *Inscription on the Coin of Nádír Sháh.*

Sikkā bar zar kard nám-i-Saltanat dar Jahán  
Nadír-i Irán zamáno Khusran-i geti-sitán.

(*Translation.*)

Nádír of Irán's land, the world-conquering hero bold,  
Has stamped the name of Empire upon this coin of gold.

MAJRA-I MASHRIKI.

(*The Eastern Question.*)

Che neko guft Fridúsi-i Túsi,  
Ke marg-i khar buwwad sag ra 'arúsi.

(*Translation.*)

Firdusi of Tús, how truthfully he said,  
"The dog will banquet when the ass is dead."

SHAH-I SHATRNJ.

(*The Chess King.*)

Ján na dárád, fauj ham dárád,  
Be wiláyat Padisháh ;  
Sháhi qáim, jangi dá'im.  
Kushia gardad be-gunáh.

(*Translation.*)

Without life, yet oft in strife,  
See a crowned but realmless King :  
All his force of foot and horse,  
Round him helpless perishing.

BE-NAMAZ.

(*The Agnostic.*)

Na Múminam, na Nasáú, na Kafram, na Yahúd ;  
Ba hairatam, ke saranjám-i-má che khwáhad búd.

(*Translation.*)

I am not Moslem, nor Christian, nor a Pagan, nor a Jew ;  
I wonder, in the future state, what place shall I go to ?



## TO MY SWEETHEART.

Kai báshad, o kai báshad, o kai báshad, o kai ?  
 Man básham, o vai báshad, o nai báshad, o mai :  
 Man gah lab-i vai busam, vaigah lab-i mai,  
 Man busa za vai giram, o vai busa za nai !

(*Translation.*)

When will it be, when will it be, when wilt thou be mine ?  
 I with thee, and thou with me, and the music, and the wine !  
 I kissing thy red lips, and thou kissing the wine ;  
 Thou kissing the flute's mouth, and I kissing thine !

## ON THE PLEASURES OF A PICNIC.

Lab i jám, o lab-i yár, o lab-i júv, o lab-i kisht ;  
 Gar do-char shavad in chahár, bih za hasht bihisht.

(*Translation.*)

The bank of the stream, and the brim of the cup, and the edge  
 [ of the wood, and the lip of the love ;  
 These four earthly things together, are better than the heavens  
 [ above.

## IN PRAISE OF KING BAMBOO.

Hazári, bazári, kamina, ghulám, •  
 Khata, be-khata, lat kardan mudám.

(*Translation.*)

Clowns, slaves, and people of low degree,  
 The more you beat them, the better they be.

## THE MERRY MONARCH.

The King with his Chiefs and Nobles, was feasting at the board,  
 And the music sounded loud from the Naubat-Khána high :  
 Then the Vazir to the Monarch said : " What sound, my gracious  
 [ Lord,  
 " Doth sweet appear to the Royal ear, in all this minstrelsy ?"

And the King made answer : " Four sounds do please my ear the  
 [most ;  
 " Yea, four sounds of all sounds do please this ear of mine ;  
 " The bubbling of the Narghila, the hissing of the roast,  
 " The rustling of the petticoats, the gurgling of the wine ! "

AIYYASH.

## THE QUARTER.

THE protracted sufferings of the Emperor Frederick terminated fatally during the quarter under review. He died on the 15th of June. The end when it came was without pain ; and, entirely worn out, he passed, as in sleep, into his last rest. The feeling excited by the event is one of profound and universal sorrow—a sorrow in which even the French participate, judging by the tone of the French press. Germany and Europe could ill afford the loss of such a man at any time ; but the loss just now is, perhaps, altogether irreparable. There was something so grand and lovable about the man, that he stood amidst the strife, hatreds and jealousies of the time like the tall cliff in Goldsmith's poem :

Like some tall cliff that lifts its awful form,  
Swells from the vale and midway leaves the storm.  
Though round its breast the rolling clouds are spread  
Eternal sunshine settles on its head.

He is gone when our need of him was at the sorest, and when the political future, which he might have controlled to peaceful and prosperous issues, looks darker and more uncertain than ever.

The other principal events of the quarter under review have been the betrothal of the Princess Victoria of Germany to Prince Alexander of Battenburg, and the subsequent political complications and agitations arising out of that event ; the action of the German Government in putting a stop to French immigration into Alsace-Lorraine ; the retirement from military command of General Boulanger, and his subsequent election for several French Departments to the Chamber of Representatives by enormous majorities ; the visit of Queen Victoria to Berlin ; the close of the Currency Commission ; the publication of the Report of the India Public Service Commission ; the Gladstonian victory at Southampton ; the satisfactory progress of the Burmah Dacoity Campaign ; the death of Mr. Mathew Arnold, and the attack by the Tibetians on our fortified position at Gnatong.

It had long been suspected that the late Emperor of Germany was not in accord with Prince Bismarck on some important points of state policy, and the difference between the Emperor and the Chancellor is attributed, justly or unjustly, to the influence of the Empress—our own Princess Royal of

England. So long as the Emperor William lived, Prince Bismarck was bound to have it all his own way, for the Emperor William was the very living embodiment of that militarism which has procured for Prussia so much glory, so much dominion; but at the same time such bitter enemies, and such grave and terrible responsibilities. "By blood and iron" was the Empire won and it must be maintained. Now the present Empress is credited, rightly or wrongly, with sympathies both in relation to foreign and domestic policy, which Prince Bismarck holds in abhorrence and contempt. She is said, in relation to domestic policy, to be a Liberal, that is to be in favour of extending to the Prussian Parliament and the Prussian people, a far larger and more direct share in the Government of the country than they now possess, and her sympathies in relation to domestic policy are the cause of antipathies in relation to foreign policy which Prince Bismarck has to contend with, and which, from his point of view, are impolitic and absurd. It is said that the Empress shares her mother's undoubted antipathy to Russia.

Just after the Emperor Frederick succeeded to the throne it was announced that the Princess Victoria of Germany would be formally betrothed to Prince Alexander of Battenburg, and that Queen Victoria would go to Charlottenburg to witness the ceremony. Then came the explosion. In this betrothal Prince Bismarck saw a deliberate insult to Russia, and he threatened to resign if it was carried into effect. The Empress had to give way. The betrothal has been indefinitely postponed but not abandoned, but this little incident has brought to light what was long suspected, that there *is* a radical difference of political views and sentiments between the Ruler of Germany and the great Minister who made Prussia what she is—the wonder and envy of Europe.

Not long after this incident of the Battenburg betrothal, came the news that Prince Bismarck had taken a most uncompromising attitude towards France, as if to show that kings might come and kings might go but that policy of Bismarck—like the 'stream' of the poet—flowed on for ever. Bismarck never does things by halves. Eighteen years have shown that Alsace-Lorraine cannot be conciliated or reconciled. Therefore the Province, as a French province, must be practically effaced. German immigration must be organised on a large scale. French immigration must be altogether stopped, and French emigration must be encouraged and systematized. In time the German element in Alsace-Lorraine will swamp the French element altogether, and then the Alsace-Lorraine little difficulty will disappear for ever. England could have carried

out this policy in relation to Ireland any time during the last five hundred years, but then England never has had a Bismarck. The nearest approach to it she ever had was Cromwell, and he went near to settling the Irish difficulty than all the rest of the English Kings and Ministers put together.

Under present circumstances any striking or important political event in Germany is sure to be followed or accompanied by a striking or important political event in France. According to a witty French journalist, the three important questions of the hour in France are—who is General Boulanger? what is General Boulanger? and how is General Boulanger? During the quarter under review, General Boulanger came into violent collision with the French Government, and as a result, he was dismissed from his military command and placed on the retired list. But if the action of the Government was intended to crush the irrepressible General, the attempt was a signal and conspicuous failure: General Boulanger became again the popular hero of the French people, and he was returned to the Chamber of Representatives from several departments by enormous majorities. Almost the first thing General Boulanger did after his return to the Chamber, was to demand a revision of the existing constitution, and his enemies saw, and, indeed, it may be said continue to see in that demand, a menace to the republican institutions of France. However this may be, nothing appears to be more certain than the fact that Boulanger is pledged, by the very conditions of his political existence, to the terrible issue of war with Germany; and one thing more appears to be certain as well—he looks that terrible eventuality steadily and calmly in the face, without any exaggerated confidence, but without apprehension. It is natural that such a man, with such a mission, real or feigned, should exercise an enormous influence over the imaginations of the French. But what is General Boulanger himself? Is he really an ambitious soldier determined to erect for himself a supreme position among the ruins of Republican France, or is he, in reality, only the creature of men less popular, but more able and designing than himself? This is a problem which only the future can solve, and to that future it is committed with all its momentous possibilities—possibilities in which all Europe may ultimately become involved.

Queen Victoria paid a visit to her daughter and son-in-law in Berlin during the quarter under review. The visit had some direct political significance, because it was connected

with the projected Battenburg marriage." Her Majesty was very cordially received in Berlin by the people, and had an interview with Prince Bismarck which resulted, as we have said, in the postponement, but not abandonment, of the Battenburg betrothal. At the close of last quarter, and just after his accession to the throne, the condition of the German Emperor was considered all but hopeless; but he suddenly took a turn for the better—the more serious and alarming symptoms gradually subsided, and, with occasional relapses, he had been on the whole steadily, if very slowly, improving until the sudden relapse which ended fatally on the 15th of June.

The Currency Commission finished its labours during the quarter under review, but the Report of the Commissioners has not been published as yet. The Bi-metallists are said to have gained the day, inasmuch as they have succeeded in dividing the Commission almost equally on that vital question—the necessity for a fixed standard between gold and silver in the currency of the Empire.

Another important Commission—the Indian Public Service Commission—finished its labours, and published its Report during the quarter under review. Organic changes in the constitution of the various departments of the Public Service did not come within the scope of the specific inquiry entrusted to the Commission, nevertheless the constitution of every department was rigidly scrutinized, and the recommendations of the Commission were, as a rule, most practical and admirable. As regards the Covenanted Civil Service, they recommend that the limit of age for candidates appearing at the open competitive examination, should be raised to 23 years, and that the service generally should be divided into Imperial and Provincial.

A Gladstonian was returned for Southampton during the quarter under review. The Gladstonians are, of course, jubilant over this victory, and hail it as the sure and certain sign of the inevitable Gladstonian reaction throughout England.

The news from Burma during the quarter under review has been, on the whole, very satisfactory. The country is quieting down, and the civil administration of the newly-acquired territory is being administered by Mr. Crosthwaite with the greatest vigour and the most satisfactory results.

Mr. Matthew Arnold, critic, essayist, and poet, died very suddenly during the quarter under review. Mr. Matthew Arnold was a delightful writer—the master of an exquisitely

finished literary style ; and as a critic of works of imagination, he was certainly the English Lessing, for his power of literary analysis, was altogether unequalled among the English writers of his time.

The Tibetians vigorously attacked our fortified post at Gnatong during the quarter under review. They took the opportunity, as an Irishman would say, of the Lieutenant-Governor's visit to the front, to attack our troops, with a view, no doubt of capturing and conveying off a great prize. The only thing they did catch was rather hot, in the shape of a fearful repulse from the Pioneers and the Derbies in charge of the post.

G. A. STACK.

*23rd June 1888.*

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## SUMMARY OF ANNUAL REPORTS.

*Arboriculture, Panjab, from 1884 to 1887.*

### PRINCIPAL STATISTICS—

The net result of tree-growing operations on avenues during the triennial period 1884-87 has been an increase of 7,093,302 feet, or 1,343 miles in the length of district roads planted. The Lieutenant-Governor agrees with the suggestion of the Arboriculture Committee, that lengths should be reported in miles and furlongs, and not in feet; and entries, in future years, should be calculated accordingly. Since the 1st of April 1884, the area allotted to groves has increased by 4,925 acres,—from 2,143 acres to 7,068 acres; but of this area 2,735 acres still remain to be fully stocked. Since the same date the area on which nurseries are maintained has increased from 101 acres to 325 acres. An area of 1,208 acres, constituting the Tilauri plantation in the Delhi District, is excluded from this account. It is remarked by the Conservator that there are now only three districts in the Punjab which do not record an area of greater or less extent under nurseries. These districts are Umballa, Montgomery, and Kohát; but from the detailed Report of the latter district it would appear that two small nurseries have been established in it, and that young plants are supplied for roads from the Municipal garden. In 1884 nurseries existed in ten districts only. The great importance of forming nurseries, and of devising suitable working-plans for arboricultural operations in each district, has been specially enforced in the Report of the Arboricultural Committee and in the orders of the Lieutenant-Governor thereon.

Operations on canal avenues and groves continue to progress satisfactorily, but comparison with the figures reported in former years is rendered difficult by the fact, that previous to 1885-86 several Divisions showed the operations on avenues in acres. The increase in the length of Provincial roads planted during the three years under report was 651,616 feet, or 123 miles.

The following table shows the expenditure, income, and net cost of arboriculture in the districts of the Province during the past five years:—

<i>Years.</i>		<i>Income.</i>	<i>Expenditure.</i>	<i>Net Cost.</i>
		Rs.	Rs.	Rs.
1882-83 ...	...	32,864	99,581	66,717
1883-84 ...	...	50,944	1,39,804	88,860
Total ...	...	83,808	2,39,385	1,55,577
Average ...	...	41,904	1,19,692	77,788
1884-85 ...	...	51,948	1,24,262	72,314
1885-86 ...	...	66,256	1,56,317	90,061
1886-87 ...	...	94,755	1,75,159	80,404
Total ...	...	2,12,959	4,55,738	2,42,779
Average ...	...	70,986	1,51,912	80,926

*Andaman Islands Forest Report]***G**ENERAL STATISTICS—

The outturn of the year was 1,593 logs less than that of the previous year ; but this may be reduced by the 820 logs of padouk at Shoal Bay which have not been included in the outturn of 1886-87. The net decrease of 723 logs is presumably owing to sickness among the elephants, and to the time lost in organizing the work at Shoal Bay.

A net surplus of Rs. 5,579-14-2 on transactions is brought to account. This is the first time that there has been a surplus since 1882-83, when a surplus of Rs. 5,768 was shown. At that time, however, the forest operations were carried on by a Settlement Officer, whose pay was not debited to the Forest Department.

Nearly half the revenue of the year was due to the sale of telegraph posts. The contract with the Telegraph Department is now fulfilled ; and, and as there is no demand for more posts, this source of revenue has dried up.

Padouk timber was sold in London for £10 a ton ; but the demand does not appear to be lively. Owing to our having been unable to ship the timber from Shoal Bay to Europe, many months must elapse before it can be ascertained what profit may be expected from operations on a larger scale than heretofore.

The Deputy Conservator of Forests considers that to do a larger business, more means of transport must be procured,—either more elephants, or a tramway. Mr. Carter considers that the amount of work an elephant can do in these forests has been much over rated, and that the mortality amongst the elephants is probably due to over-work and insufficient food.

*Income Tax N.-IV. P.*

THE gross receipts under the various parts of the Income Tax Act, and the charges and the net receipts as compared with those under the License Tax Act in the preceding year, were—

## LICENSE TAX, 1885-86.

<i>Gross Receipts.</i>	<i>Charges.</i>	<i>Net Receipts.</i>
Rs.	Rs.	Rs.
4 57,777	996	4,56,781

## INCOME TAX, 1886-87.

	<i>Gross Receipts.</i>	<i>Charges.</i>	<i>Net Receipts.</i>
	Rs.	Rs.	Rs.
Deducted by the Accountant-General from salaries and pensions ... ..	1,81,955	...	1,81,955
Deducted by the Accountant-General from interest on Government Securities ...	25,222	...	25,222
Collections by District Officers .. ..	7,36,316	37,851	6 98,465
Total ... ..	9,43,493	37,851	9,05,642



*Public Instruction, Madras, 1886-87.***GENERAL STATISTICS—**

**DURING** the year under report there has been a further advance both in schools furnishing returns to the department, and in scholars attending them. The number of institutions of all classes (public and private) rose from 16,014 to 16,717, or by 4 per cent., and the attendance from 455,837 to 488,942, or by 7 per cent. Under public schools there was an increase of 312 schools and 25,111 scholars, while the number of private schools rose from 1,397 to 1,788, and their attendance from 22,859 to 30,853. It is satisfactory to note, that the bulk of increase in numbers appertains to public schools, which means that many more indigenous schools, came under the direct influence of the department.

A comparison of the statistics of the last five years shows that the year under report records the highest figures ever reached under schools or scholars. The large increase in the number and strength of schools is due to the gradual spread of education in rural villages, and to the general prosperity of the country.

It will be observed that the average attendance at public schools rose from 30 to 31, which indicates permanence in schools.

The annexed summary gives the number of schools (public and private) and scholars arranged under different classes of institutions according to stages of instruction. It will be seen that the lower-secondary (Middle) schools for girls only declined as regards numbers by 7, while all other classes of institutions either remained stationary or improved in number. The strength of all classes of institutions, excepting normal schools for Masters, rose considerably.

The decline in the attendance of normal schools for masters, notwithstanding an increase in their number, is much to be regretted. The largest increase, both in schools and in scholars, was under primary schools for boys, while the largest relative increase in numbers appertained to professional and technical schools.

Classes of Institutions.	1885-86.		1886-87.	
	Schools.	Scholars.	Schools.	Scholars.
Arts Colleges ... ..	30	2,688	31	2,979
Professional Colleges ... ..	4	304	4	344
Upper-secondary (High) schools for boys (English) ... ..	127	6,162	143	7,008
Lower-secondary (Middle) schools for boys (English and Vernacular) ... ..	460	23,032	480	24,362
Upper-secondary (High) schools for girls (English) ... ..	22	95	25	119
Lower-secondary (Middle) schools for girls (English and Vernacular) ... ..	175	1,824	168	1,927
Primary schools for boys ... ..	14,494	383,878	15,077	411,409
Do. for girls ... ..	627	35,295	707	37,772
Normal schools for masters ... ..	43	1,131	45	1,104
Do. for mistresses ... ..	12	291	12	324
Professional and technical schools ... ..	20	1,137	25	1,594
	16,014	455,837	16,717	488,942

*Education, Punjab, 1886-87.***P** RINCIPAL STATISTICS.—

THE principal features of the Report may be shortly summarised as follows : There has been a small increase in the number of public educational institutions and a slight decrease in the number of scholars. It is to be regretted that this decrease should have occurred in Primary Schools ; but it may confidently be hoped that the falling of will prove only temporary. A third Arts College has been added to the Province, the Lahore Medical School has been raised to the rank of a College, and the number of scholars in Secondary Anglo-Vernacular Schools for boys has increased by over 1,500. Thirty-six candidates passed the Entrance Examination of the Calcutta University as compared with 20 in the previous year, and 24 were successful in the B. A. Examination of the Punjab University as against 15 in 1885-86 ; but no candidate succeeded in passing the M. A. Examination of the Punjab University. The publication of the results of the F. A. and Entrance Examination since the submission of the Report shows, that 42 candidates out of 213 were successful in the former, and 167 out of 928 in the latter. The passes last year were 59 and 233. The successes obtained in the various school examinations were somewhat less than in the preceding year ; but they have, nevertheless, now raised the numbers of scholars who have passed beyond the Lower Primary stage to 29 per cent. of the whole. The number of teachers' certificates awarded was much the same as in the previous twelve-month. An increase of Rs 2,80,000 in expenditure is due, mainly, to the Aitchison and the Medical Colleges, and, to the additions made to the inspecting agency, which will, it is hoped, result in a steady improvement in the class of education given in Primary Schools. Fees increased by Rs. 29,000, excluding University fees, and amounted to Rs. 2,23,000. Female education has made some progress ; and an important advance is expected from measures recently adopted for its promotion. A number of Government Schools have been localised ; and the arrangements made for the development of primary education by relieving Local Bodies of certain charges, hitherto borne by them, will doubtless result in a marked increase of schools and scholars during the current year. On the whole, steady and good educational work seems to have been done throughout the Province during 1886-87 ; and, allowing for various failures and drawbacks, a fair measure of progress has been attained.

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*Census Statistics.*

There were 714,707 villages, townships, and cities in India in 1881, and 43,532,035 inhabited houses. The villages, townships, and cities were in the proportion of 0·52 to each square mile of territory, and the houses in the proportion of 32 to each square mile. Bengal had much the largest number of villages, &c., these amounting to 248,706, and being at the rate of 1·59 to the square mile. The North-West Provinces came next, with 81,084 villages, &c., or 0·99 to the square mile. In Oudh there was one village, &c., to the square mile of area in the province. These are the three most densely populated provinces in the Empire—the number of persons to the square mile being 470 in Oudh, 426 in Bengal, and 400 in the North-West Provinces. Cochin, indeed, shows a population of 441 to the square mile in an area of 1,361 square miles, ; but in this small parcel of Native territory, it is only the fort which belongs to the British Government.

In Bengal the number of houses to the square mile was 67, the houses containing an average of 6·32 persons. The North-West Provinces

had 59 houses to the square mile, with an average of 6.82 persons to the house, and Oudh, 85 houses, with an average of 5.51 persons. The average number of persons to each house for all India was 5.83.

Out of the male population of 129,941,851 contained in India, 52,029,098, or 40 per cent., are returned as engaged in agriculture; 7,248,475, or 5.6 per cent., were labourers; 3,027,958, or 2.33 per cent., were in the service of Government or members of professions; 2,489,516, or 1.9 per cent., were engaged in domestic service and occupations; 49,248,645, or 38 per cent., were returned as "independent, and non-productive, and unspecified;" 3,238,734, or 2.5 per cent., were in commerce; and 12,659,425, or 9.7 per cent., were in industrial occupations.

Thus, we find less than 12½ per cent. of the male population engaged in commercial and industrial pursuits, while 40 per cent. were directly engaged in agriculture, to which should be added, probably, the bulk of the labourers; and doubtless a large proportion of those returned in the "independent non-productive" class were directly dependent on the land, though not actually employed in its cultivation.

The total area of the country in 1881 was 1,372,588 square miles; but the division into cultivable, cultivated, and uncultivable land is so lacking in completeness, that it is not possible to say what relation these divisions bear to each other, except for some provinces.

Although there were altogether, in 1881, 714,707 towns and villages in India, in great part these are small collections of huts, hardly worthy of being called even villages. As many as 348,466 contained less than 200 inhabitants each, and 184,486 contained each a population varying between 200 and 500. Of towns, properly so called, the number is relatively very small for such a vast area. There was only 63 with a population exceeding 50,000, 123 with a population of from 20,000 to 50,000, and 388 with a population ranging between 10,000 and 20,000. In the first class of the 63, containing a population of upwards of 50,000 each, there were only 23 with a population exceeding 100,000, and of these 23, only 5 had a population each, of more than 200,000, namely, Bombay, Calcutta with its suburbs, Madras, Hyderabad in the Deccan with its suburbs, including Secunderabad, and Lucknow. It is probable that Benares may have to be added to the list of towns containing over 200,000 inhabitants, for at the last census it was only 300 short of that number, and the city has increased largely in numbers of late years. In general, the increase of the population of these large towns is noticeable, and, in a few cases, such as Rangoon, quite remarkable. Some few towns fell off in population during the decade (Lucknow, Bhagalpur, Farukhabad, Mirzapur, and Monghyr); but whereas in 1871 there were only 45 towns in India with a population exceeding 50,000, the number had increased to 63 in 1881.

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### *Public Service Commission.*

WE take this paragraph relating to the age of Native Candidates for report:—

The Commission would accordingly adhere to the principle that probationers should be selected and enter on their special training at the age at which their general education is usually completed. Taking a University degree as the ordinary index of a complete general education, a maximum limit of 23 years would appear the most suitable with reference to the course of study at the Indian Universities. The following figures show the average age at which Natives at the Indian Uni-

versities pass the examinations for First Arts, Bachelor of Arts, and Master of Arts, respectively :—

	F. A. Examination.	B. A. • Examination.	M. A. Examination.
Calcutta University	19 years.	22 years.	23 years.
Bombay     "	19     "	21     "	23     "
Madras     "	19 years, 6 months.	22     "	(Information not available.)
Punjab     "	19 years, 6 months.	21 years, 6 months.	22 years, 6 months.

These figures, considered in connection with the low limit of age at present fixed for the English examination, possess additional significance when it is remembered that High Education in India cannot, as a general rule, be said to commence until students enter on their college course, and that a system of domestic education, similar to that which prevails in England, is scarcely known in India. The Senate of the Calcutta University has, in a separate communication \* addressed to the Commission, pointed out the disqualifying effect of the present limit of age on students who have completed a course of liberal education at Indian or other Universities. The Commission is, moreover, of opinion that, so far at all events, as Natives of India are concerned, the intellectual powers and other qualifications of candidates can be better tested at a later age. Again, in view of the different circumstances which prevail in England and India, what may be called the "accidents of education" must always tend to place Native candidates at a disadvantage, and even as between Native candidates themselves, similar causes operate to the prejudice of certain classes of candidates. Considerations of this nature appear to have a material bearing on the question of the age-limits which should be prescribed in connection with the Civil Service examination held in England, and support the conclusion that a higher maximum age-limit is desirable with a view to secure greater equality in the conditions of competition between the several classes of candidates. It has been represented to the Commission that, having regard to the earlier development of Natives of India, the extension of the limit of age might give Native candidates undue advantages as compared with European candidates. The instructions to the Commission preclude it from entering on a discussion of this objection. It can only explain that, in making its present recommendation, it does not contemplate any differential treatment, in this respect, of the two classes of candidates. It is believed that any such differential treatment would be indefensible in principle, and would not be acceptable to those classes of the Indian community more immediately concerned.

In regard to the minimum age-limit, the Commission would prefer 19 years in the place of 17 years, the limit at present in force, or 18 years as originally fixed, on the ground that it is preferable that the successful candidates, who may be Natives, should not enter upon their duties before attaining the age of 21 years, and that the raising of the minimum limit would have the effect of encouraging Native candidates to proceed to England. The Commission has not overlooked the fact that the raising of the age limits which it advocates, may render it necessary to reconsider the character of the examination in regard to English candidates, and that its recommendation incidentally raises the question of age for the latter, the conditions applicable to whom it is precluded from considering. At the same time the Commission entertains no doubt that the maximum age-limit for Native candidates should be substantially raised; and it is further of opinion, that the nearer the maximum limit can be brought into accordance with the recommendations of Lord Macaulay's Committee, the more satisfactory is the result likely to be, as tending to widen the area of choice and to secure the best qualified candidates. In regard to the age-limits generally, the Commission would have preferred to leave its recommendations indefinite, if it were not for the fact that the question embodied in its instructions calls for a definite answer. Accordingly, the recommendation of the Commission on this point is that the minimum and maximum limit of age for Native candidates at the open competitive examination held in England should be 19 and 23 years, respectively.

\* See Vol. VI, Section III, Sub-Section A, page 11.

*Reports on Publications Issued and Registered in the several Provinces of British India during the year 1886.* Superintendent of Government Printing, India, 1887.

THESE Reports commence with the one from the Madras Presidency. The Registrar of Books there records "a perceptible increase in the publication of *original* matter, particularly in the Indian vernaculars." This quotation is from an opening paragraph of his Report. Towards the end of it we find him writing: "It may be added that most of what are called original works appear, from an examination of the catalogue for the year, to be mere abstracts, adaptations, and imitations of the incidents related in the two great Indian epics, and the Puranas, or expositions of the Dwytha and Adwytha philosophy." Which verdict are we to accept?

Under the heading *Art* is mentioned "a collection of rules on the Hindu art of dancing, describing the various attitudes, *emotions of hands and fingers*, and the singing of female dancers." The italics are ours. The Registrar of Books deems it matter for satisfaction that Telegu "attempts at adaptations" of *King Lear* and other of Shakespeare's plays have been put forth. For our part we fail to extract any iconoclastic satisfaction from the knowledge that they are being vulgarized and licked out of shape. *History* and *Biography* are said to be deserted literary fields. A more cheerful account is rendered of *Language*, embracing *Notes on Aryan and Dravidian philology*, the first South Indian edition of the *Balamanorami*, a complete Telegu dictionary, &c. &c. A Manual of the Diseases of the Elephant, figures in the list of Medical works. *Literature* we are told has been enriched by some new publications of general interest, in which the social and domestic condition of the Hindu community is discussed. First in this roll of honour are held to be Sir M. E. Grant Duff's addresses to the graduates of the local University. *Politics* introduces us to a pamphlet in English on Village Autonomy. The author describes Indian village organization, and dilates on the value of the ancient institutions as an agency for securing popular and cheap administration. But what is the use of holding these congenial indigenous institutions up to admiration now that the Government and the country are committed to an alien, uncongenial scheme of local Self-government. There is nothing for it now but crying over spilt milk. *Religion* comprised more than 45 per cent. of the published literature of the year, Mahomedans contributing a larger number of books than usual. All over India, and in every way open to them, Mahomedans appear to be vigorously bestirring themselves at last. This is a

healthy sign of the times ; so is the publication of elementary works on sanitation and the preservation of health.

The Director of Public Instruction calls attention to the following remarks by the Registrar: "It may not be out of place to repeat here that the infringement of Copyright in the Government Readers noticed in previous reports, goes on with impunity, owing to the absence of an amended Copyright Law, and an International Convention between British Indian and Foreign States."

### *Bombay.*

The Registrar of Native Publications, Bombay, records a decrease in the number of works registered to the extent of 219 works, and attributes it to the discontinuance of more than 20 periodicals, of which 18, most of them literary magazines, started in 1884-85. *Hinduism* is the title of a brief defence of the Hindu religion, originally delivered at Kurrachee by Mr. N. Gupta. Here is a suggestive extract from it:—

"There should be no mistake about our attitude towards Christianity. If we have not embraced the Church of Christ, it is certainly not because we cannot realise His greatness. How can we be blind to the greatness, the unrivalled splendour, of Jesus Christ? Behind the British Empire from which the sun never turns away his face, behind all the mighty powers of Europe, behind modern enlightenment, behind America, behind science and all its triumphs, behind new continents, behind the gigantic dominions of Russia,—lies the single great personality—the greatest of all known to us—of Jesus Christ. There is no sublimer figure in history than Christ on the cross, with that last look of infinite pity and infinite love, and that last prayer of forgiveness for those who knew not what they did. His resurrection is surely no fable. He lives in Europe, and America, and Asia, and Africa as a King and guide and teacher. He lives in our midst. He seeks to re-vivify religion in India in all its ancient earnestness. We owe everything—even this deep yearning towards our own ancient Hinduism—to Christianity. If it had not been for the light of this religion, we should have never known how deep we have sunk into the quagmire of superstition. The Brahmo Samāj movement is due to Christianity, and is one of the indications of the revival of true Hinduism. Pandit Dayānand Saraswati preached the religion of the Vedas, and if it is said that he was not influenced by Christianity, still it must be admitted that his movement was an indirect outcome of a fresh religious impulse. Christianity is fulfilling a great mission in India ; but its highest mission is yet unfulfilled, or but fulfilled in part. That mission is the rejuvenescence of Hinduism."

Instigated thereto by Lord Reay's resolution of October 1885 in favour of technical education, a Parsi gentleman, Mr. J. K. Gujjar, B. Sc. M.A., has put forth *A proposal for a Polytechnic Academy at Surat*, which is a rough sketch of his idea of what a Training College for Technical Education ought to be. Surat is selected as an eligible site for such an institution, as affording special facilities for the development of manufacturing industries. Bombay is evidently going to

take the lead in India in the much-needed provision of technical education for its people. Our readers will remember how strongly the Vice-chancellor of the Bombay University spoke some three months ago, in favour of a college-course of technical instruction to students. By the way, there seems a probability now, that the handsome sum of money subscribed for a Ripon Memorial Fund will, after all these years of shilly-shally and doing nothing with it, be devoted to the uses of technical education. Better use could not be found for it we venture to think. The *Reptiles of Sind* is a systematic account, with descriptions, of all the species inhabiting the province, and contains a table of their geographical distribution in Persia, Beluchistán, Afghánistán, Panájb, the North-West Provinces, and the Peninsula of India generally. The work includes the discoveries that have been made since the issue of the author's work, entitled—"The Vertebrate Zoology of Sind," in 1884. The author observes that during this interval, a great many mammals (*Micro-mammalia* especially), birds and reptiles which were not previously known, have been found to inhabit the province, several in each class being new to science.

The total number of Marathi books published in 1886 was 419 against 487 of the previous year. *Biography*, like *Voyages and Travels*, is "at a discount." The *Drama* flourishes. Nineteenth century Hindustanis of all castes and creeds, are as fond of theatrical representations, as were the Greeks of olden time, and it is to this congenial outcome of national literature, that a man desirous of ascertaining the bent of popular opinion will turn his attention. It is in the main decidedly conservative, opposed to English innovations. *Suslikshit Stri*, or the Well-bred Woman, graphically depicts the happy home-life of an orthodox Brahman couple. *Taruni Shikshan Nátika* is a caricature on female education and educated young men. Of the three girl-students of the Poona High School introduced, one, a child-widow, gets re-married, a second robs her brother, and elopes with a lover, the third obtains a divorce from her husband, on the ground that he is not as learned as she is, and then turns Christian. *Aranyarodana Natak* sets forth the grievances of the people with respect to forest conservancy. *Gunotkarsha Natak* is devoted to exemplification of the excellence of merit.

Of 27 works of fiction published, only 6 are weighted with a moral: so much the better for them and their readers, we take it. One does not look for sermons in a novel: it is untrue to art when it usurps the functions of a pulpit. As Goethe puts it: "Truth need not always be embodied; enough if it hover round like a spiritual essence, which gives

one peace and fills the atmosphere with a solemn sweetness : like harmonious music of bells." Colonel Meadows Taylor's Indian tale *Tara* has been translated into Guzerathi : so has—Don Quixote. We doubt whether orientals will be able to appreciate its humour. In the man of the East and man of the West, sense of humour seems altogether differently, contrarily even, arranged.

Mr. Vishnu Raghunáth Nátu, B.A., the author of *Rashiya* gives a historical account of the rise and progress of the Russian Empire, and seeks to dispel the false and exaggerated notions prevailing in some Native circles as to the overpowering might and majesty of the Czar's Empire, and the political character of the people. In another book, *Naval Pehalun Dhiráni Desh Kalyáni Vartá*, a Russian invasion of India is repelled by Native Volunteers alone. Amongst the new periodicals started in Bombay is one called *Arya Bhagini*, or the Aryan Sister, a literary journal conducted by a Deccan Hindu lady, and intended for the instruction and entertainment of Native ladies. The *Stribodha* is another periodical, most of the contributors to which are ladies—young Parsi ladies. An Urdu literary and scientific journal entitled *Shumshel*, or the Sun of the Sciences, has been started at Ahmedabad. Wholesome signs of the times are an *Essay on Health* and *Sárvajanik Arogya*. The former gives sound advice on such subjects as the sanitation of private residences, wholesome food, pure water, &c. ; the latter deals with Municipal sanitation. *Guldastá Hikmatya Illāyat Misakin Sudi Tib* is a work on Unani, or Greek medicines, low-priced, and intended for the use of poor people.

Of the Classical languages Sanskrit takes the lead in the number of books published ; Persian comes next, and then Arabic. *Tarka Kaumudi* is a work on the Vaisheshika branch of the Nyāya philosophy of Kanada, edited with various readings and notes, critical and explanatory, by Mr. M. N. Drivedi, Professor of Sanskrit, Sámáldas College, Bhávnágár.

*Punarviváha Shástra Sammatihhe*, or the widow-marriage as sanctioned by the Shástras, treats in a small compass the hard-contested question whether the marriage of Hindu widows of the twice-born classes is sanctioned by the Shástras. Numerous authorities from the Hindu Shástras and Puráns sanctioning widow-marriage are quoted, and the arguments of the opponents of widow-marriage are noticed. The *Kamú Sukrya Nishedha Darshaka*, or an interdiction of the sale of a maiden (in marriage), quotes authoritative utterances in Sanskrit of the Shástras condemning the practice of giving away maidens in marriage in consideration of a sum of money prevailing among poor Hindu families, gives a Gujaráti translation of the Sanskrit quotations, and points out the various social and moral evil effects of this censurable practice.

In Bombay, although the Maráthi publications were more numerous than the Guzerathi ones, the latter were more



voluminous. Some of the former were in fact small tracts of indifferent merit. .

*Bengal.*

The Bengal Government appears to be dependent on the Bengal Library for information as to the literary outcomes of the Province. 2,571 publications were received during the year 1886—160 less than the number received in the previous year. The Library classification of books is peculiar. For instance, under the heading Art are included works on Agriculture and Magic. We are glad to hear of a growing demand for works on Agriculture, and that books are being written with a view to rousing an interest in manufactures. Local Self-government is credited with having created a demand for such books as *Rāstā*, a treatise on road-making. Publications under the heading *Biography* are fairly numerous, and are said to be growing in popular favour. Noteworthy amongst them is Baboo Khrishnakumar Mitra's *Muhammad Charit*, an attempt to overcome and do away with some of those popular Hindu prejudices against the Prophet and his religion, which are a heritage from days of Mahomedan supremacy. „*Main Walihum*, written in Hindi, is the autobiography of one Damodar Shastri, an enterprising Mahratta traveller and literary man.

As to *Drama* we are told that the success achieved by that clever, social comedietta *Bibāhabibhrāt* has induced a host of imitations—all of them decidedly inferior in literary merit and artistic finish to their model, but none of them falling short of it in hatred towards Anglicism. Educated Hindu females are painted in the darkest colours possible. The Calcutta agitation against the adulteration of ghee gave birth to two dramas. *Kerāni Charit* is a protest against the petty tyrannies exercised by European heads of offices over their Native clerks. *Ganyer Morala* on the other hand is a protest against the tyranny of village-headmen in the mofussil. Deprived of all administrative powers, they have betaken themselves to invention of scandals and other nefarious means of annoyance to victims who dare not oppose their tyrannies, because of their importance in the village community,— a possibly useful side-light on Local Self-government fads! Emboldened by the success of mythological dramas derived from the Ramayana, the Mahabharata, and the Puranas, playwrights, we are told have introduced on the stage great religious reformers such as Gaudama, Buddha and Chaitanya with considerable success. Mahomedans object to any representation on the stage of their Prophet, and therefore the author of *Dharmabir Muhammad*

has been unable to induce any theatrical manager to accept his play.

Three works of fiction, by Baboo Chandi Charan Sen are described as remarkable productions in their own way; their object being to inspire hatred against the early English rulers of the country. The Report says: "The tendency of these works is extremely mischievous; and had Baboo Chandi Charan been a gifted writer, he could have done an incalculable amount of mischief to the Government and the people. Fortunately the Babu is no artist whatever. His long, insipid speeches and soliloquies make his volumes tedious and wearisome reading, and they are sure to repel most readers." The year 1886 is characterized as singularly devoid of idealistic works of fiction. As a realistic novel *Sansár* is commended. The authors of certain realistic works written with the avowed object of exposing the evils of society are declared to have "no desire to bring about a change for the better." They are generally devoted to abuse of Anglicism, and are generally indecent and obscene. *Satitiwa Saroja* by Mahamáyá, an authoress, is pronounced readable "though it is full of those minute details of little things with which women are so fond of occupying themselves." The *Ayurveda Sanjambant* is "a collection of very clever essays on the antiquity, usefulness, and present condition of Hindu medical science." Under the auspices of the Asiatic Society of Bengal, *Aswa Baidyaka*, the ablest work known on Hindu Veterinary Science, is in course of publication. It is edited by Babu Umesh Chandra Gupta, Librarian of the Sanskrit College Library. Many treatises on Homeopathy have been put forth. The enquiry instituted by Government into the castes and occupations of the people, has given rise to much speculation on the subject of the origin of the different castes in Bengal and their social position. Two works were received last year indicative of the direction which the speculation is taking. One of these works—*Játi Prabandha*—endeavours to prove that the *Svarnabaniks* are Baishyas, and that they ought to hold a much higher social position than what they are allowed to hold at present. The other work—*Bange Baishyanianaya*—endeavours to prove that the *Sadpapas* of Bengal are Baishyas, with the same object in view. It is thought in certain quarters that with the spread of English education, and the consequent advance of more liberal ideas, caste prejudices are giving way. But the spirit in which these works are written would seem to indicate that instead of weakening, education has simply strengthened these prejudices. Every caste is endeavouring to gain a higher position in the caste hierarchy than what it holds at the present moment.

Of school books there are legion; and some of the best graduates of the Calcutta University are said to be devoting their talents to manufacture of cribs and keys—which are carelessly compiled, more carelessly printed, and altogether demoralizing in their effect on the student-mind.

Songs abound; some of them remarkable for their melody and sweetness. The best collection of love songs is to be found in the small work called *Gathāhār*. Next to love songs, religious ones are most popular. Of these, the *baul* songs are the most popular and interesting. They are sung by mendicants in every part of the country to the tune of the *ektārā*, or one-stringed instrument, before enraptured audiences. The word *baul* is formed from the Sanskrit word *batul*, a madman, by a process of softening and elimination peculiar to the Bengali tongue. Whenever a man in the course of a religious song or dance loses his sense of external existence, or falls into a temporary fit, he is said to become a *baul*. The *bauls* are most numerous in a sect of Vaisnabs called the *Kartābhajārdal*, whose spiritual chief resides at a place named Ghoshpara, about 30 miles to the north of Calcutta. For the simplicity and homeliness of the tune, the language, the sentiment, and the idea, and for the aptness of their similes, the *baul sangits* are unsurpassed by anything in Bengali literature.

The writer of the Report deems it a strange thing, that side by side with the advancement of education and the spread of liberal ideas, there should exist a demand for riddles and mystic *mantras*, and so forth. Perhaps the liberal ideas do not really spread beyond the tongue. In *Tattwa Chintamani* an attempt is made to controvert some of the rationalism of John Stuart Mill and Herbert Spencer.

The best work in verse received during the year under review is adjudged to be *The Last Day*, a satire by Rām Sarma. Oddly enough not a single work appeared on the subject of politics. Is it because Young-Bengal must have a platform and hear the sound of his own voice before he can feel an interest in the subject? Every shade of religious opinion was represented. In the book entitled *Jogsadhan Sambandhe Kṛtī-paya Prasnottara*. Baboo Bijay Kṛishna Goswami says, that the means possessed by the Brahmo Somaj of realizing God in the soul are insufficient, and he, therefore, urges the necessity for practise of *Yoga*. For some time past the Brahmos have been moving in the direction of mysticism. About the so-called Hindu revival we quote the Report at length. It says :—

“The most important of the religious publications of the past year were those issued by the Hindu revivalists. The revivalists may be divided into two distinct schools,—namely, the conservative school and the liberal school. The conservative school believes in the infallibility of the Rishis,

and in the superiority of the Hindu shastras to the scriptures of all other nations, and denounces the least deviation from established practice as un-Hindu. Pandit Sasadhar Tatkachuramani belongs to this class of revivalists. In his *Dharmabyākhyā* he is endeavouring to defend every Hindu practice on the principles of Western science, though his knowledge of science appears to be of a very superficial character. In the work entitled *Dharmabishayak pratibād*, an anonymous author attempts to prove that the Hindu religion is the best of religions, and that Christianity is very faulty and imperfect. The late Ramkrishna Paramahansa of Dakshineswar also helped greatly to further the cause of this school of religious thought. Books containing many of his sayings and religious opinions have been published. In the *Tattvaprabāshikā*, edited by Ram Chandra Datta, are given the views of the Paramahansa in matters religious. In his *Paralok Tattva*, Babu Chandra Shekhar Basu explains the Hindu doctrine of the future existence of man.

The leaders of the liberal section of the Hindu revivalists are men of great culture, experience, and sound judgment. They have studied the Hindu shastras with very great care. They have a firm faith in Hinduism, and great respect for the Rishis; but they cannot ignore the altered circumstances of the present time. They do not consider the Rishis as infallible, and they are, therefore, for introducing such changes in Hindu society as may, from time to time, be considered necessary. These are their views in matters temporal. But in matters spiritual they think that the bulk of the Hindus of the present day do not know anything of the teachings of the great Rishis, and so they want to revive Hinduism in its ancient and spiritual form. The means adopted for the propagation of their views is chiefly in the periodicals, in one of which Babu Bankim Chandra Chatterji, the leader of this movement, is giving a rationalistic or rather revivalist exposition of the Bhagavatgita. Babu Bankim Chandra has recently written a work entitled *Krishna Charita*, in which Krishna is represented as the Ideal Man or God Incarnate, for it is God alone that can be the Ideal Man. He considers Krishna to be a higher ideal than even Buddha, Chaitanya, or Christ. His method of examining ancient Sanskrit works is the present European method. He has studied many works about Krishna-worship with great care, and has rejected a great part of those works, and especially of the Mahabharata, as interpolations; and he thinks that all the superstitions which have latterly gathered around Krishna-worship have their origin in such interpolations. Babu Kali Prasanna Chatterji's *Dharmapradhār* may be considered as a work belonging to this school. In it the author discusses, from the standpoint of an educated Hindu and revivalist, questions relating to the esoteric doctrines of Hinduism. His method of examination of the shastras is substantially the same as that of Babu Bankim Chandra. *Devatattva* is another work of this school, in which the theogony of the Hindus has been explained from a rationalistic point of view."

### *North-Western Provinces and Oudh.*

Fifteen hundred works of all classes were published during the year; an increase of about 16 per cent. on the number of publications in 1885, and of nearly 100 per cent. on the number issued in 1884. More books were written in Urdu than in any other language, but the number was nearly stationary, while works in Hindi increased 58 per cent. That seems to point to a healthy downward infiltration of educational influences among the masses. English is not much

affected as yet as a vehicle for transmission of thought and information. A slight decrease in Sanskrit works is held to have been more than compensated for by an increase under the heads *Arabic* and *Persian*. Comparatively few of the books put forth were original works, the majority of them being reprints of standard treatises. We are glad to hear that science and medicine received unusual attention, especially from Urdu writers. This is another sign of the awakening of Indian Mahomedans to a knowledge of the side upon which their bread is buttered, references to which have already been made. It is noticeable that an American lecture on Electrical Physiology has found a translator. There was a decrease in the number of publications on language, miscellaneous subjects, and poetry, and an increase in those treating of religion. Three original dramas were published, but we are told nothing about them. More germane to the times, perhaps, is *The Clerk's Friend*, in English and Urdu, containing a compendium of English words of general use in correspondence, with their equivalents and meaning in Roman character. It also gives directions for letter writing, and a list of familiar synonyms and proverbs. Yet another sign of the times it is that, notwithstanding the prejudice of orthodox Jains against making their religious books common, 33 of them have been published through the Jain Prabhakar Press, Benares. More books were published at Cawnpore than at any other town in the North-Western Provinces. Lucknow comes next in the matter of numbers. Allahabad is only fifth in the list.

### *Punjab.*

In the Punjab last year, 1857 books were published ; nearly 300 more than in the preceding year. Most of them were written in Urdu. About them the Superintendent of the Government Educational Press writes:—

The subjects in which the largest number of publications appear are Religion and Poetry. In all indigenous Mahomedan schools, which are generally held in mosques, whether in towns or villages, and in all Mahomedan families, the different chapters of the Qurán are taught. Similarly, in Hindu and Sikh families the thousand names of Vishnu, the Stotras, and evening and morning prayers from the Granth are learnt. Hence there is a large demand for chapters of the Qurán separately printed for the sake of cheapness, and for small tracts containing Hindu and Sikh prayers. These, as well as the missionary tracts, contribute to swell the number of religious publications.

There is an inordinate passion for poetry both among the educated and illiterate people of the Province. In many of the cities and large towns of the Panjab, especially in and about Delhi, there are poetical societies called *mushd'ardhs*, of which the members assemble periodically to recite their *ghazals* or other poetical compositions. The highest aspiration of these poets is to gain the applause of the auditors. In almost all villages, groups of inhabitants assemble to hear poetical recitations, which they enjoy and value as a sort of mental treat.

The smallest number of books registered is under the head of Art and of

**Voyages and Travels.** The fact that manufacturers and artisans learn their family handicraft practically without the aid of books accounts for the small demand for books under the former head. And the people of India are devoid of that restless energy and enterprise which characterise the European nations. They are home-abiding, and have little inclination to travel; therefore their literature on this subject is so poor.

Under the heading *Art*, two original works were registered *The Artisan's Metallurgical Handbook and Workshop Companion*, and *Gilt dú risála*, a treatise on gilding, in Punjabi. *Taskira, i-Asár ush shuara-i-Hanud* gives brief biographical notices and specimens of Urdu poetry by Hindu writers. Most of the poets are Kayasths of the North-West Provinces, who have for many generations studied Persian, and have imitated Mahomedan writers. *Hayát-i-sā'di*, containing a sketch of the life of Sā'di of Shiráz is said to be the first book of critical and biographical research that has yet appeared in Urdu. *Taskira-i-Malika-i-Victoria*: a life of the Queen-Empress figures under the heading *Biography*. Nine original dramas are recorded; the *Arabian Nights* seems a favorite quarry for their plots. Under the heading *Fiction*, five original works were registered. "of which the only one worth mentioning is the Folk Tales of Hindustán in English, written apparently by a Native." There is a versified history of India in Urdu, intended for children. There is a slight increase in the number of books on law and medicine. Under the convenient heading *Miscellaneous*, 184 publications are entered. *Basm-i-Akhr* gives minute details of the amusements of the last two Kings of Delhi, and the large number of dishes spread at their feasts. The author of *Jagat Parsharth* "makes an indiscriminate onslaught on all sects of the Hindus and on the education given to Native girls by the Missionaries, and he advocates the system of female education offered by the Arya Samaj." Of *Bavastha*, or the Rule, we are told: "The writer appears to be under the impression that he uses reasonable arguments." *Anek Darshan*, by the late Lāla Bihārī Lal, gives an account of the different systems of philosophy obtaining in the Punjab. It opens with the *Charnock*, the ancient sceptical system which denied the existence of God, the moral sense, and the next world; and ends with the doctrines of the Arya Samāj. The author simply states the doctrines, without any attempt at critical examination. It is pleasant to read that now-a-days the better class of Mahomedan religious authors in the Punjab, as in other parts of India, avoid the bitterness of tone they formerly employed against people who profess other religions than that of Islam, and against their co-religionists of a different sect.

In Burma 107 original works were published; chiefly dramatic, poetical, and miscellaneous compositions, of an eph-

meral character. Nothing in the year's outcome there calls for special mention, except the Kachin spelling book; an attempt by two Missionaries to reduce a savage dialect to writing. The characters employed are Burmese, with slight modifications. In Assam 11 books were published, six of them educational, all of them unimportant. The chapter on Coorg takes the form of an official communication from the Secretary to the Chief Commissioner which runs thus: "I am directed to report that no publications were registered in Coorg during the year 1886." In Ajmere-Merwara one book was registered. It contains 42 pages of English grammar, rules in Urdu, and some exercises.

*Monograph on Brass and Copper Ware in the Punjab, 1886-7.*

Published by authority. Lahore, "Civil and Military Gazette" Press, 1888.

THE Punjab Government has published under its authority, a Monograph prepared by Mr. D. C. Johnstone, a Junior Civilian under that Government, on Brass and Copper Ware manufactured in the Punjab.

The raw material, consisting of copper, tin, and zinc, is chiefly imported from Europe, the indigenous metals, and those formerly imported from Cabul, China, &c., being undersold and driven out of the market.

Imports for the year 1886-87 :—

Imported from				Copper, unwrought.	Brass, unwrought.	Tin.
				Rs.	Rs.	Rs.
Bombay	...	...	...	1,092	851	.....
Bombay Port	...	...	...	2,98,272	2,74,850	7,860
Bengal	...	...	...	182	.....	75
Howrah	...	...	...	3,27,860	65,688	17,304
North-Western Provinces and Oudh	...	...	...	20,436	18,883	909
Central Provinces	...	...	...	1,326	.....	12
Berar	...	...	...	156	.....	.....
Rajputana and Central India	...	...	...	8,762	1,633	153
Sindh, excluding Karachi	...	...	...	14,274	1,932	" 9
Karachi	...	...	...	1,76,098	99,383	1,527
Total				8,48,458	4,63,220	27,858

*Composition of Brass.***Zinc group :—**

1. Common yellow brass (*pinal*),  $2\frac{1}{2}$  parts of copper to 1 part of zinc.
2. Ship-sheathing brass, 3 parts of copper to 2 of zinc.
3. Dipping brass (*Bharat*)  $1\frac{1}{4}$  parts of copper to 1 of zinc.

**Tin group :—**

1. Grey brass (*Kansa*), 5 parts of copper to 1 of zinc.
2. Bell metal,  $2\frac{1}{2}$  parts of copper to 1 of zinc.
3. Alloy called (*Bharat*), 5 parts of copper, 4 of zinc, and 1 of tin.

**Lead group :—**

1. *Bharat*, equal parts of copper and lead ; or, more commonly, 1 part of copper to two-thirds of zinc, and  $\frac{1}{10}$  of tin.

Real white brass (*kansa*) for which Moorshedabad, and Kán-channagar in Bengal are noted is not made in the Punjab.

Copper is imported in sheets and blocks. That imported from Khetri Singhana in Rajputana, costs Rs. 50 a maund, and a seer of this is added to every maund of alloy. Tin is imported in sheets, and is English.

Old metal is used largely in the manufactures, as being cheaper than new metal. Locally-made brass is cheaper than the imported article ; but the latter is preferred as being more malleable, and because what is lost in the price of the material is gained in the manufacture.

The articles manufactured are:—cooking utensils ; dishes ; plates and trays ; baking dishes ; caskets ; water vessels ; musical instruments ; Hookas and tobacco pipes ; toys ; Hindu idols and sacrificial vessels ; candlesticks ; lamps ; ink-stands ; nut-crackers, spittoons, &c., &c.

*Imports in 1886-87.*

From N.-W. P. and Oudh ...	{ Copper Ware... Brass Ware ... }	Rs. 2,55,990.
From Kashmir ...	{ Copper Ware .. Brass Ware ... }	Rs. 1,861.

*Exports in 1886-87.*

Copper and Brass Ware to Central India through Kula,	Rs. 15,185.
" " " Cabul, Swát and Bajour,	Rs. 49,989.
" " " Kashmir, <i>vid</i> Jammu, and Murree,	Rs. 1,50,887.

Among districts, Rewari exports Rs. 51,000 worth of brass and Rs. 45,000 of *kansa* to all points of the compass ; and Dehli, to the extent of Rs. 1,01,200, and both places export a large but unspecified amount of Copper-ware.

The total number of males employed in the manufactures is reported to be 14,460. Their wages vary from  $2\frac{1}{2}$  to  $3\frac{1}{2}$  annas for common workmen, while the skilled artificers earn from 4 to 6 annas per diem. The heavier work of hammermen is remunerated at the rate of 6 to 7 annas a day.



As regards patterns, chased and otherwise, the Punjabi ware is inferior to that of Kashmir, Persia, and Mooradabad. As a rule, Hindus use brass, and Mahomédans copper wares; but a high caste of the followers of Vishnu, in Mooltan, use only copper and silver articles.

For the processes of smelting and manufacture, we will refer the reader to the Monograph, which contains most copious and accurate details under these heads.

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*Report on the Administration of the N.-W. Provinces and Oudh, for the year ending 31st March 1887.* Allahabad Government Press, North-Western Provinces and Oudh, 1888.

Not many months ago Sir Alfred Lyall gave to the world an account of his stewardship as Lieutenant-Governor of the North-Western Provinces and Oudh from his own point of view. We have now before us the official record of his last year of office,—a Report on the Administration of the North-West Provinces and Oudh for 1886-87, previously discounted.

An unusually heavy rainfall is the first item noticed; and it seems to be, to some extent, deplored. To our thinking, however, an unusually heavy rainfall is always, in the long run, an agricultural gain; and agricultural results in India have, probably, more to do with the welfare of the country, and are, probably, more considered by the people of the country than political or even directly administrative measures. The people of the North-Western Provinces and Oudh were happy, inasmuch as there were no severe epidemics, "and the health both of men and cattle was good." The markets for food-grains kept steady, and the record describes the year as, on the whole, one of little less than ordinary prosperity. Perhaps the best proof of that lies in the fact that the land-revenue was collected without difficulty. Returns of railway-borne traffic continued to show steady development in the external trade of the Provinces. A decrease of exports was more than made up for by an increase of imports. The condition of the North-Western Provinces and Oudh was, in fact, very much like that of the lady in what is called "an interesting situation," who reports herself "as well as can be expected under the circumstances." Wheat exports amounted to not more than six and-a-half million maunds. A very pretty total, commercially considered, and freighted with hopeful promise for the future. Furthermore, exports of Cotton, and of Oil-seeds show an increase.

Tea and Opium excepted, increase is noted in the trade in almost all commodities. A rise in the imports of Salt

from 3,271,203 maunds to 3,835,357 maunds affords satisfactory assurance of the well-being of the lower classes.

The Silk Industry appears at last, "after many years of doubtful experiment," to have taken root in the Dun, and hopeful auguries wait upon it. The only serious clog on the tale of wide-spread prosperity seems to have been the misfortune to Indigo manufacture at Aligarh. Indigo is a manufacture peculiarly subject to misfortunes ; but it has a faculty for always recovering from their ill effects.

It is written that the money-grants at District Committee disposal for Public Works were well and fully utilized, and that Local Boards do their work satisfactorily. Rather more than two lakhs of Rupees were spent during the year on new works of communication, the chief item under this head being the new Military Cart Road between Ranibagh, the terminus of the Rohilkand-Kumaon Railway, and the hill cantonment at Ranikhet. New Public buildings cost 6½ lakhs. About Railways, we are told :—

In regard to new lines proposed to be constructed, the surveys of the Pilibhit-Seramau section, connecting the branches from Bareilly and Lucknow, were completed, and, in addition, an Association for constructing a line from Hardwar to Rajpur, at the foot of the Mussoorie hills, having applied for certain concessions, the Local Government, under the orders of the Government of India, deputed an officer to report on and revise the project prepared by the Association. This was done during the year, and the selected alignment, after being estimated for, was located and marked out by masonry pillars.

Regarding the open lines, the working of the Cawnpore-Achneyra Railway was transferred to the Bombay, Boroda, and Central India Railway Company during the month of October 1886 ; this Government, however, receiving a certain proportion of the profits of the undertaking up to 31st March 1887. In accordance with the new Provincial contract, the interest of the Local Government in the Railway ceased from that date, and there are, at present, therefore, no lines in these Provinces under direct Government management.

The special measures, under Act. XVI of 1882 for relief of indebted land-owners in the Jhansi district proved successful. A Code for administration of relief in famine times was sanctioned. Rules were framed for registration and recruitment of emigrants beyond the limits of British India. The working of the Stamp Department was normal. Excise receipts show an increase. The working of the Forest Department is favourably remarked on. The number of vaccinations is set down as 713,916, rather more than 16 per thousand on the total population. Seven new dispensaries were opened. The number of female pupils at the Agra Medical School increased from 25 to 46. There was a slight falling off in the number of lunatics under confinement in asylums. There were 109 Municipalities at work during the year. There was considerable increase in the number of cases of crime reported by the Police. Dakaitis and "gang robberies" were frequent. The record of Sir Alfred Lyall's reign is not *altogether* rose-coloured.

*Statistics of Land Records and Agricultural Department, N.-W. Provinces and Oudh, for the year ending 30th September, 1886-87.*

THE last Report on the operations of this Department comprises the following principal topics, *viz.*, I.—Maintenance of village-records; II.—Analysis of districts; III.—Measures of protection, including arboriculture; IV.—Agriculture, including experiments and farms; V.—Introduction of agricultural improvements; VI.—Registration of traffic.

I.—The maintenance of village-records is carefully looked after. The prospects and promotion of the subordinate staff of *patwaris*, *mohurirs*, and *kanungos* are engaging the attention of the authorities. The re-settlements of the Districts of Shaharanpur, Muzzuffurnagur, Jhansi, Lalitpore, and Jalaun have been taken in hand, on the basis of maps and records kept by *patwaris*. The inspection of village-records has been frequent and efficient. There is a growing demand for increased accommodation for the *patwari* records, which are fast accumulating.

II.—An attempt has been made to gauge the annual food-production of the Provinces by applying the rate of produce given in Settlement Reports and other papers to the average crop-areas of the past six years.

III.—A successful experiment was in progress for reclaiming *úsar* lands near Cawnpore, by the application of gypsum to the soil. In arboriculture, the total expenditure amounted to Rs 65,811 as against the total receipts amounting to Rs. 39,021. Nearly eighty per cent. of the total expenditure was required for planting avenues; the total length of roads provided with trees being 4,014 miles. The maintenance of groves and nurseries cost Rs. 12,608, there being 59 groves planted altogether, covering an area of 232 acres. There were 189 nurseries maintained, which supplied about 2,000 plants for groves, and nearly 100,000 plants for avenues.

IV.—Of agricultural experiments, there were: (i) the Meerut Demonstration Farm, which is said to be “doing real useful work,” though it does not appear yet to cover its expenses; (ii) the Cawnpore Experimental Station; (iii) private farms; (iv) Shaharanpore Botanical Garden; (v) Lucknow Horticultural Garden; (vi) Kumaon Orchards; and, (vii) Date Palm plantations.

V.—There were agricultural exhibitions, experiments in cattle-breeding, distribution of seeds and implements, and practical deep-ploughing.

VI.—The following traffic was registered during the year 1886-87 :—

- (1.) Foreign traffic with Thibet and Nepal.
- (2.) Traffic with Bengal by the rivers Gogra and Ganges.
- (3.) Traffic by rail with the neighbouring British provinces and Native states.

As regards (1), the total trade with Thibet and Nepal amounted to 4,610,438 maunds, valued at Rs. 1,17,09,175 against 4,236,795 maunds valued at Rs. 1,12,31,403 in the preceding year—the imports and exports of the two countries being as follow :—

		<i>Imports.</i>		<i>Exports.</i>	
		1885-86.	1886-87.	1885 86.	1886-87.
Thibet	Mds.	64,701	61,783	62,519	46,830
	Rs.	4,92,090	5,29,704	2,60,932	2,19,913
Nepal	Mds.	3,853,941	4,270,129	255,634	231,696
	Rs.	73,15,121	77,16,128	31,63,260	32,43,430

Sambhar salt appears to be gradually underselling that imported from Thibet as will appear from the following :—

<i>Thibet.</i>	IMPORTS	Mds.	<i>Thibet.</i>	EXPORTS.	Mds.
Total net decrease	...	2,918	Total net decrease	...	15,689
Decrease under salt	...	7,464	Decrease under grain	...	13,391
Less—	increase	under			
Borax	...	4,099			
<i>Nepal.</i>			<i>Nepal.</i>		
Total net increase	...	4,16,188	Total net decrease	...	23,938
Increase under timber and firewood	...	416,315	Decrease under salt	...	12,594

The amount of traffic with Bengal by the river Gogra, will appear from the following :—

The total traffic by this river amounted to 53 lakhs of maunds, and consisted principally in the export of wheat and other grains, oilseeds and sugar sent to Bengal, and of iron, salt, and tobacco received from Bengal :—

	Mds.
Total export by the river Gogra	...
Export of wheat	...
Ditto other grains	...
Ditto oilseeds	...
Ditto sugar	...
Total import by the river Gogra	...
Import of iron	...
Ditto salt	...
Ditto tobacco	...
	...

As regards rail-borne traffic, the total external trade of the provinces during the year amounted to 47,305,062 maunds, valued at Rs. 30,33,02,713, against 46,298,927 maunds, valued

at Rs. 28,83,24,031 in the preceding year,—the exports and imports in the two years being as follow :—

	<i>Weight in Mds.</i>		<i>Value in Rs.</i>	
	1885-86.	1886-87.	1885-86	1886 87,
Total exports ...	26,016,526	24,789,939	14,19,97,284	15,21,81,752
Total imports ...	20,282,401	22,515,123	13,91,26,747	15,11,20,961

The value of both imports and exports shows a marked increase over the figures of the preceding year, although the weight of exports during the present year exhibits a decrease of over 12 lakhs of maunds.

This is due to the decrease which has occurred, for the greater part, in articles of small value, while a comparatively small increase in some of the more costly articles more than made up for the value of the former, as the following figures will show :—

<i>Exports.</i>	<i>Lakhs of mds.</i>	<i>Lakhs of Rs.</i>	<i>Imports.</i>	<i>Lakhs of mds.</i>	<i>Lakhs of Rs.</i>
Total increase in value ...	...	30	Total increase ...	22	120
Total decrease in weight ...	12	...	Increase under cotton ...	$\frac{1}{2}$	51 $\frac{1}{2}$
Increase under cotton goods ...	6 $\frac{1}{2}$	80 $\frac{1}{2}$	Ditto woollen goods, ...	...	8 $\frac{1}{2}$
Ditto oilseeds ...	11 $\frac{1}{2}$	36	Ditto metals ...	1 $\frac{1}{2}$	12
Ditto sugar ...	5 $\frac{1}{2}$	18 $\frac{1}{2}$	Ditto salt ...	5 $\frac{1}{2}$	16
Ditto ghee ...	$\frac{1}{2}$	9 $\frac{1}{2}$	Ditto grains ...	9	22 $\frac{1}{2}$
Ditto cotton goods and metals ...	$\frac{1}{2}$	4	Ditto coal ...	5 $\frac{1}{2}$	5 $\frac{1}{2}$
Ditto skins and leather ...	$\frac{1}{4}$	8			
Decrease under wheat ...	16 $\frac{1}{2}$	22			
Ditto other grains ...	14	25			
Ditto opium ...	$\frac{1}{4}$	64 $\frac{1}{2}$			
Ditto tea ...	...	1 $\frac{1}{2}$			
Ditto railway plant and rolling stock ...	8 $\frac{1}{2}$	25 $\frac{1}{2}$			

The total value of exports during the year under report exceeds, that of imports by over 10 lakhs of rupees ; and, if the value of Railway plant and rolling stock be excluded from both exports and imports, the balance in favour of exports amounts to one crore twenty-three lakhs of Rupees :—

	<i>Exports.</i> Rs.	<i>Imports.</i> Rs.
Total value of all goods ...	15,21,81,752	15,11,20,961
Minus—value of Railway plant and rolling stock ...	21,89 159	1,34 33,571
Value of goods excluding Railway plant and rolling stock ...	14,99 92,593	13 76,87,390
Excess of Export over import ...	1,23 05,203	

The share of the two ports and the several provinces in the total trade of the United Provinces is noted below :—

	<i>Export</i>				<i>Import.</i>			
	1885-86.		1886-87.		1885-86		1886 87.	
	Lakhs of Mds.	Lakhs of Rs.	Lakhs of Mds.	Lakhs of Rs.	Lakhs of Mds.	Lakhs of Rs.	Lakhs of Mds.	Lakhs of Rs.
Calcutta ...	111 $\frac{3}{4}$	780 $\frac{1}{2}$	107 $\frac{1}{2}$	836 $\frac{1}{2}$	37	650	38	681
Bombay ...	32 $\frac{1}{2}$	102 $\frac{1}{2}$	33 $\frac{1}{2}$	151 $\frac{1}{2}$	4	168	8	199 $\frac{1}{2}$
Bengal, excluding Calcutta ...	35	162 $\frac{1}{2}$	21 $\frac{1}{2}$	109 $\frac{1}{2}$	74	153 $\frac{1}{2}$	83	191 $\frac{1}{2}$
Punjab ..	36 $\frac{1}{2}$	173	39	178 $\frac{1}{2}$	32 $\frac{1}{2}$	186 $\frac{1}{2}$	34 $\frac{1}{2}$	200 $\frac{1}{2}$
Rajputana and Central India ...	29	144	35 $\frac{1}{2}$	155	40 $\frac{1}{2}$	143	52 $\frac{1}{2}$	178
Central Provinces ...	4 $\frac{1}{2}$	39 $\frac{1}{2}$	4 $\frac{1}{2}$	35 $\frac{1}{2}$	2	26	2 $\frac{1}{2}$	23 $\frac{1}{2}$
Bombay Presidency, excluding Bombay Port ...	6 $\frac{1}{2}$	59 $\frac{1}{2}$	3 $\frac{1}{2}$	23 $\frac{1}{2}$	11 $\frac{1}{2}$	53 $\frac{1}{2}$	6 $\frac{1}{2}$	28 $\frac{1}{2}$
Sindh ...	2 $\frac{1}{2}$	12 $\frac{1}{2}$	1 $\frac{1}{2}$	7 $\frac{1}{2}$	$\frac{1}{2}$	4	$\frac{1}{2}$	4
Berar ...	1	5 $\frac{1}{2}$	1 $\frac{1}{2}$	7 $\frac{1}{2}$	$\frac{1}{2}$	6	$\frac{1}{2}$	3 $\frac{1}{2}$
Nizam's Territory ...	...	1	...	1 $\frac{1}{2}$	...	.	...	...
Mysore ...	...	..	...	1 $\frac{1}{2}$	...	...	..	...
Madras Presidency ..	3 $\frac{1}{2}$	11 $\frac{1}{2}$	1	16	..	$\frac{1}{2}$	...	$\frac{1}{2}$
Total ..	200	1,492	248	1,522	203	1,391	225	1,511



## CRITICAL NOTICES.

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### GENERAL LITERATURE.

*The Indian Church Quarterly Review*. April, 1888. Edited by the Rev. A. Saunders Dyer, M. A., Calcutta. The Oxford Mission Press, 1888.

NO 2 of the *Indian Church Quarterly Review* shows no falling off from No. 1, abounds in readable matter, and matter that cannot fail to be interesting to other than Church folk. Amongst its contents will be found an article by the Reverend J. A. Sharrock on Morality and Discipline in Indian Colleges, which in the nature of things must have been written before the late storm in a teapot at the Madras Christian College, and which has therefore special significance and cogency at the present time. Before he knew anything of India practically, at a Missionary Meeting held at Cambridge some years ago, Mr. Sharrock voted with the majority in supporting a proposition that Indian Missionaries should abstain from educational work, and devote their energies altogether to the promotion of direct Evangelistic efforts. Experience (with accompaniment of a candid mind) is a serviceable school-master in such matters. Since his landing in India, Mr. Sharrock has seen cause to alter his opinion on this subject. He sees now that Missionaries should avoid the vexed subject of secular education if they would secure proselytizing influence in religious affairs; and thinks they ought to secure to themselves, as much as possible, the educational control of youths, if they would fain engage in their conversion. In Government schools Mr. Sharrock would have morals taught by means of Bible lessons: he can see no greater objections to such a course, than is to be found in the dispensation of European medicines from the hospitals. With such a man, with an intellect thus minded, argument is of no avail; he has his convictions, and abides by them. Having regard to the ensuing quandary, Lord Dufferin not long ago suggested that Government should withdraw from all connection with educational agencies of any denomination whatsoever, and should unreservedly admit the dogmas of free trade into



matters educational]. With reference to that proposal, the *Indian Church Quarterly Review* wants to know whether the Church is ready to undertake this large responsibility, and whether it has at command funds for the purpose. "Shall we leave it," it is written, "and with it India, to Catholics and Non-conformists?" Now is the time for earnest Churchmen. But there is another side of the problem from the Viceroy's point of view :—

It is well known that the Roman Catholics give no direct religious teaching, and some of our own body, either from the love of imitation, or from stretching the theory of Reserve to its utmost limits, now do the same. To expect a Hindu, steeped to the eyes in superstition, and bound with the adamantine fetters of caste, to purge his vision and submit to the yoke of Christ, because the manager of his school is a Christian missionary and leads a Christian life, seems to be little better than an idle dream. Here then is the difficulty. How can we keep up our attendance, and so save ourselves from bankruptcy, if we remain faithful to the principle that a College should exercise a direct religious influence culminating in Holy Baptism?

A portrait of the Bishop of Madras graces the pages of the April Number of the *Indian Church Quarterly Review*; and it contains notices of current literature calculated to interest Churchmen.

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*The Indian Magazine*, May 1888. Issued by the National Indian Association, in aid of Social Progress and Education in India. London: Kegan Paul, Trench & Co. 1888.

**T**HE INDIAN MAGAZINE for May is a more than ordinarily interesting one, full of readable and suggestive articles, beginning with one entitled "A City of Refuge," meaning, of all places, The Thames Police Court, London. To it, the author writes, drift the—

Socialists who will propagate their doctrines in too public places; Jews, who gravely make oath with their hats on; Chinese, with almond eyes, and consciences nothing will bind unless a saucer is solemnly broken to typify the perjurer's fate; and last, but not least, tawny skinned sailors at loggerheads with their captains or employers.

Mr. C. S. Naidu contributes a thoughtful paper on Social Reform in India: Mr. J. B. Knight another on the liquor traffic, Perhaps the one which will command most general attention. is that entitled *How to Preserve Health in India*, by Dr. C. R. Francis, formerly Principal of the Medical College, Calcutta. It treats of water from many points of view.

Here is what Dr. Francis has to say about that all important matter, filtering :—

Filtration through sand—fine white sand is the best, but the grains should be sharp and angular so as to catch the impurities—is found to be sufficiently effective for purifying water on a large scale; and Thames water,

though not so pure of course as that found in the chalk in Surrey and in the Welsh Mountains, is, according to the analysis made by accomplished chemists every month, sufficiently free from impurities. Since the water-supply of Calcutta has been brought from the river at Fulta near Barrackpore, about sixteen miles above the city, the health of the community generally has greatly improved. It is gratifying to the sanitary reformer to see the more enlightened natives taking their drinking-vessels to the taps and there receiving the purer supply, instead of resorting to the muddy river, or to the suspicious tanks. For individual use a variety of filters have been designed,—the principle being the same in all, though the medium varies. Sponge makes a good filter, and may be used in the absence of anything more effective. Wool, boiled in a solution of alum and cream of tartar, dyed in an infusion of gall-nuts, and finally washed in a solution of carbonate of soda, has been much used as a filter in Paris ;—as also a filter made of sponge, pounded sandstone, and gravel. The best filters used in the United Kingdom are those made of spongio-iron animal charcoal, and the so-called magnetic carbide. Vegetable, and peat charcoal are decidedly inferior ; but gas coke is excellent, and might be more generally used. In my article, dated January 1886, I spoke preferentially of the spongio-iron filter, which is well adapted for India ; and, as being unmixed with animal charcoal, especially well suited for natives, who are particular about their caste. As the Spongio-iron Filter Company, 22 New Oxford Street, *only* make these filters, there need not be any *suspicion* even of their being ever fitted with blocks of animal charcoal. The use of iron is, moreover, in keeping with the practice of the country. A rod of iron, heated red-hot, is sometimes plunged into a vessel of drinking water,—partly to purify it, and partly to make the water tonic. The spongio-iron filter not only acts as a mechanical strainer, but it is also chemically (?) destructive of organic matter. It has been officially recommended for use in the English and Prussian army, as also for general use by Royal Commissions and by army medical officers : and it is now exclusively supplied to all the Royal Residences of the Queen ; to the War, and India Offices ; to the Admiralty ; to the Science and Art Department, South Kensington ; and to several railways, clubs, hotels, hospitals, asylums, and schools. This filter (Bischof's Patent), together with those of the Magnetic Filter Company (Spencer's Patent), and of the London and General Water-Purifying Company (Danchell's Patent), and with Maignen's "Filtre Rapide," was put to "extremely severe tests" by the *Lancet* Analytical Sanitary Commission—see their Report in the *Lancet* for January 1888—and it showed the best results. The fact of this filter being made entirely of mineral \* matter is greatly in its favour, there being no fear of decomposition as in those made with animal charcoal which, unless frequently cleaned, are apt to contaminate the water instead of purifying it. Of course, no filter is inexhaustible ; and all require cleaning, or changing after a time. Once in a year will suffice for re-charging the Spongio iron filter. This filter is not, however, so serviceable in travelling, as it (the portable filter) filters too slowly. For this purpose I

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\* Spongio-iron, binoxide of manganese (pyrolusite),—with a strainer between them,—and asbestos, or sand. Instructions are given with this, as with other filters, how to clean and re-charge it. The filter itself—the Colonial filter in stone ware, filtering  $2\frac{1}{2}$  quarts in an hour, is best suited for exportation—may be obtained for about £2 5s. including packing in hamper, and materials for re-charging. An extra supply of these last—the cost is trifling—should always be added. Where the consumption is large, the 4 quarts, or gallon size would be the best. The stone-ware cases of the London and General Water-Purifying Company, 175 Strand, may be fitted, if necessary, with Spongio-iron filters,—leaving nothing, under this head, to be desired.

would give the preference to Maignen's \* "Filtre Rapide," which, in its way, is an admirable filter; and gives great satisfaction to travellers. The water, after passing through Maignen's filters, is usually *well* aerated—a great point in their favour. But care must be taken to have them (as well as all filters made with animal charcoal) frequently cleaned, or changed,—say, every two months:—and the operation should not be left to servants.†

There is in this issue of the Magazine a timely proposal for a Normal School in the neighbourhood of Calcutta. Also a notice of the working of the Hobart School for Mahomedan girls at Madras, by a Hindu lady. There are also various other contributions pertinent to the objects aimed at by the National Indian Association.

We repeat that the number for May is replete with interesting matter. It will well repay perusal.

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*Cyclone Memoirs.* Part I. Bay of Bengal Cyclone of May 20th-28th, 1887. Calcutta: Printed by the Superintendent of Government Printing, India. 1888.

IT is made matter of reproach to some Indian Departments that they are ornamental rather than useful. Such Departments are probably relicts of the days of Dowry, and not intended by the people responsible for their up-keep, for any thing beyond a decent provision in life for that stranded dodo. But there are bright exceptions to this adipose rule now-a-days. Notably the Meteorological Department our forefathers knew not of—a Department the practical utilities of which are constantly being made manifest. We have now before us No. 1 of a series of *Cyclone Memoirs* which it is publishing. It deals with the Bay of Bengal Cyclone of May 20th 28th, 1887, and its experiences, and is, it goes without saying, exhaustive as well as edifying from a seafaring and scientific point out of view. Here is a sample:—

The most violent and dangerous cyclones are those which occur at the change of seasons before and after the south west monsoon, and which are now usually known as the May and October transition periods. The former lasts, as already stated, from the beginning of May to about the middle of June, and the latter from the middle of September to the end of November or beginning of December. These storms are, fortunately, not of frequent occurrence. They may be described as consisting of three parts: an outer storm area, an inner storm area, and a central calm area. In the outer storm area the weather is very similar to that in the smaller storms of the rains. The winds circulate in the usual spiral manner, and their direction and shift enable the sailor to determine the bearing of the centre with approximate accuracy, especially

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\* 32 St. Mary's Hill, Eastcheap, London.

† To ascertain if the filtered water is pure, take a perfectly clean bottle with a glass stopper, fill it with the water to be tested, add a few drops of Condyl's fluid, and let it stand all night. If the water be pure, it will retain the pink tint caused by the Condyl's fluid.

when he is near the inner edge, or is approaching the inner storm area. In the outer storm area winds are more or less violent, frequent squalls occur, the sea is high, and there are strong currents, such as always obtain in any cyclonic storm at sea. The barometer falls very slowly, and stands very little lower than its ordinary height at the season. Within this outer storm area is the inner storm area, usually of much smaller extent, surrounding the central calm area. In it the barometer falls with great rapidity from the inner edge of the outer storm area to the calm central area (in the case of the False Point Cyclone of September 1885 nearly 1·6 inches in about 15 miles). The transition from the inner storm area to the calm centre is always very sudden and sharply marked. The transition from the outer to the inner storm area appears also to be more or less sharply marked, but to a much less degree than the change from the inner to the calm area. Within the inner storm area the winds are of hurricane force, the squalls and rainfall of excessive violence, and the sea tremendous. The weather in the calm centre is too well known to require description. In many of the largest cyclonic storms in the Bay, the sky is frequently almost clear over a portion of the calm centre, the atmosphere hazy, and the sun visible.

The latter class of storms are held to be by far the most dangerous, and mariners unluckily caught in one, are advised to use their judgment to, if possible, avoid passing into the inner storm area.

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*The National Review.* May 1888. London: W. H. Allen & Co.  
13 Waterloo Place, S. W.

TO the *National Review* for May, Mr. Alfred Austin has sent from Italy a short, sorrowful, discriminating Note on the life work of the late Matthew Arnold. It is the privilege of poets to remain perennially young, so the younger poet declares. "Notwithstanding his sixty-six years, Matthew Arnold died young." It is too early as yet to assign to him his precise place in the Hierarchy of Letters, whether as poet, critic, or essayist. He will have to be further away from us before he can be "focussed rightly." His claims to distinction were so various, so *catholic*,—in the best sense of the word,—that time will be needful to gather up the tale of them, and estimate their effects on the life and thought of the nineteenth century. He was held to be somewhat chary in praise of his contemporaries. Assuredly, says, Mr. Austin, "this was not owing to want of magnanimity on his part, but rather to a keen sense of literary proportion, and in some degree, perhaps, to a consciousness which it would have required a very ill-natured person to have found fault with the importance and value of his praise." He had persuaded himself that the present age is hostile to the production of poetry; he was, in truth, the child of an earlier, a quieter, a more reflective time, yet very far indeed from being mere *laudator temporis acti*. Here is a trenchant bit of criticism:—

I have often thought the natural impetus that drove Matthew Arnold to write poetry was not a very strong one, and hence was soon ex-

hausted. His temperament was ethical rather than æsthetic; and though I am aware he would have protested against what I am going to say, his intellect was polemical and dogmatic, despite all his determination not to dogmatize, and his extreme repugnance to the ruder forms of controversy. But he was not content to take men and women, and the world generally, as he found them; and, for the best and lasting purposes of poetry, it is, I submit, necessary to do so. He was an evangelist, if a mild one; and thus, by degrees, the poet was merged in the prose Sophist. Though I cannot honestly go so far, in the way of admiration of his poetry, as my friend Mr. Hutton, I confess I too would willingly exchange all his prose works for certain pages of his poetry. Yet how seductive his prose was! I read his recent paper on "Civilization in the United States," over a wood fire in a shabby little room at Gubbio. It might have been written there. For though Gubbio is now poor and forsaken enough, it still is "interesting." It still has that "beauty," that "distinction" he in vain looked for in the United States; and I had looked forward to the pleasure of telling him amid what appropriate and suggestive surroundings I had read his paper.

I have used the word Sophist in connection with Matthew Arnold not to depreciate, but to describe. To me, at least, it seems the designation is not inappropriate, as regards much of what he wrote on what are called theological questions. He meant well, he wrote sincerely, earnestly, and with infinite grace concerning them; but what did it all amount to? When I told an eminent Conservative statesman that Arnold was writing the paper on "Disestablishment in Wales," which appeared in the March number of this Review, the remark, accompanied by a smile which the information evoked, was this, "No doubt he will first deprecate Disestablishment, and will then proceed to disestablish in detail"; which, in effect, was precisely what he did. When one is resolved not to be such a Philistine as one's neighbours, these charming contradictions are perhaps the inevitable sequel.

As the "standard-bearer of sweet reasonableness," a man always to be remembered, always thought of *non sine floribus*, the younger poet regards the dead friend to whose memory he pays loving tribute in the pages of the May number of the *National Review*.

*Aid to Russian Composition*; containing Exercises, Vocabularies, Syntactical Rules, extracts from Government Despatches, and Specimens of Russian Manuscript. By Ivan Nestro-Schnurmann. London. W. H. Allen & Co., 13, Waterloo Place S. W. 1888.

*A. Manual of the Andamanese Languages*. By M. V. Portman, M.R.A.S., F.R.G.S., F.S. Sc., & C., London. W. Allen & Co., 13, Waterloo Place, S. W. 1887.

**R**AILWAYS and their incentives to business and travel, the proverbial schoolmaster abroad, Max Müller and the invention of philology, are all of them latter-day agencies that have had their share in imbuing the modern Englishman with consideration for foreign languages, and a not inconsiderable faculty for their assimilation. We, of this generation, are

by no means like-minded with our forefathers in contempt for all languages save Anglo-Saxon, and disregard of philological research. Hence we have now before us an *Andamanese Manual*, and a handy guide to Russian composition. Both have their interest for the Indian Services. For the former, we have to thank Mr. M. N. Portman, M.R.A.S., F.R.G.S., F. S. Sc., an Extra Assistant Superintendent at the Andamans; the latter is vouched for by Ivan Nestro-Schnurmann, a teacher of the Russian language resident in London.

There is peculiar significance in the fact that there should be a demand for such a work as the latter in England. It appears to be carefully compiled.

To the many British Officers who have, of late years, betaken themselves to Russia to study the language on the spot, it will be likely to prove of service, as well as to those who are studying it with or without tutors, in England and in Hindoostan.

Mr. Nestor-Schnurmann says in his preface :—

It is a great mistake to suppose that Russian is a difficult language to master." By following my plan, and plunging at once into the connected sentences, which are arranged according to their proper sequence in this volume, the student will rapidly acquire a knowledge of the general principles of the construction of the language, and will insensibly, and without loss of time, thoroughly learn its grammar.

Two things are essential for Army and Diplomatic students. They are (1) an acquaintance with the best forms of official correspondence, and (2) skill in reading various styles of handwriting

To meet the first want, I have given copious parallel extracts in English and Russian from the official correspondence on the subject of the delimitation of the Afghan boundary.

To meet the second want, I have given photographs of Russian letters in various styles of handwriting, the key to all the difficulties of which is the photographed alphabet (arranged in the shape of a square) which is placed at the beginning of the volume, and contains representations of all the numerous forms of writing the thirty-six letters.

*The Origin of Persian Poetry, Translated from the French of Professor J. Darmsteter. By Nasarwânji Frámji Tamboli, Bombay : 1888.*

NASARWANJI Frámji Tamboli has translated from the French Professor Darmsteter's essay on the origin of Persian Poetry.

He thinks Shelley's *Epipsychidion* the best commentary on the quatrains of Abu Sayad; he agrees with Alfred de Vigny in the declaration—Silence alone is great; all the rest weakness. He quotes Lucretius, after the manner of weak-kneed doubters. Of Avicenne, the famous schoolman, physician, statesman, we are asked to believe, that because he could not find time for

sleep, and did not desire to find it, he deliberately induced somnolence by indulging in wine. "Then, we are reminded of the Bacchanalian proclivities of most Persian gentlemen of light and leading in the middle ages, after which follows an apology: thus—

The foreigner is at first astonished and a little scandalized at the place which wine occupies in Persian poetry. Nothing, however, could be more unlike our bacchanalian songs. The songs of Europe are nothing but the carols of drunkards, whereas those of Persia are strains of revolt against the Koran, against bigotry, and against the tyranny exercised by religion over nature and over reason. For the poet, he who drinks, is the representative of the emancipated man; but for the mystic, wine is something still more; it is the symbol of divine intoxication. In the protestations of Avicenne, the physician and the free-thinker speak by turns. Here is what the physician says:—

"Wine is the enemy of the drunkard and the friend of the sober ;

"In small doses, it acts like an antidote, in large ones like poison.

"Though bitter in taste, like the counsels of a friend, it is useful, and is permitted to sensible people, but forbidden to foolish ones."

The orthodox man would certainly frown on reading these verses ; but what would he do when he reads what follows ?

"Is it the fault of wine if a fool drink it and go out blindly in the night ? As for us, it is towards God that it leads us.

"If the decree of religion forbids its use to fools, the decree of reason permits its use to the wise.

"Drink wisely pure wine like Bu Ali (Avicenne) ; it will render thy existence divine, and this is as true as God exists."

One cannot be surprised to hear that—

The piety of this Saint was not in conformity with the views of the masses. He was denounced as an unbeliever before the magistrat, and when he passed through the streets, women mounted the roofs in order to throw on him the sweepings of their houses. He retired to Amol in Tabaristan to be near the Sheik Abul Abbas from whom he *saw* all that he afterwards knew. He died on Friday the 4th day of Shaban 440 (1062) aged a thousand months.

It is naively written:—"The poems which this ascetic has left behind him are almost all poems of love."

*Journal of the East-India Association.* Issued March 1888.  
London : W. H. Allen & Co., 13 Waterloo Place, S. W.

SIR Roper Lethbridge has published, in the March number of the *Journal of the East India Association*, a lecture delivered by him on *The Gold Fields of Southern India*. He visited them last cold-weather, it will be remembered, and went back to England, praising their prospects, and delighting them to honour as investments. When he went to Mysore he had not a pennyworth of pecuniary interest in any undertaking there. He went, and saw, and was conquered. For

Sir Roper has the courage of his convictions, and having satisfied himself that the gold-fields of Southern India are likely to pay miners handsome profits, he straightway applied all his spare cash to the purchase of shares.

Sir Roper Lethbridge's enquiries have led him to the conclusion that the auriferous rocks of Mysore are, on an average, far richer than those of Australia or America. He writes :—

In Australia the true "fissure veins" invariably grow richer as the depth from the surface is increased: yet in Mysore the assays at a depth of 200, 300, or 400 ft.—the lowest point yet attained has been reached by the "Mysore" mine, and has hardly gone below 400 ft.—are quite as good as, perhaps better than, the Australian or American assays at depths of 2,000 ft. and over. In these deep Australian mines, ore that assays 5 dwts. to the ton will pay expenses, so I am told, and 10 dwts. will pay handsomely. The average richness of all the quartz crushed in the Colony of Victoria during the past year, was given on December 20th 1887, at a little over 11 dwts. per ton, by the official returns. In Mysore the assays already got at the inconsiderable depths attained, very commonly reach 1 oz., 1½ oz., 2 oz., and over 3 oz. and upwards; and exceptional samples assay up to more than 200 oz. per ton. Mr. George Attwood, the well-known mining engineer of Clement's Lane, who was for many years one of the engineers in charge of the famous Comstock Lode in Nevada (U.S.A.), tells me they were down considerably over 3,000 ft. there when he left it, with the vein still rich and wide; and he thinks that the promise near the surface was not any better than it appears to be in the Mysore mines.

Certainly, if we of this generation had found the Mysore gold fields in the same virgin state as that in which the Australian and Californian fields were found, the "dreams of avarice" would hardly be equal to the task of imagining the riches that must have been there. And this is confirmed, too, by the teachings of history. The frequent changes of rulers, and the trades-unionism of the gold-washing tribes or castes, have prevented anything like an authentic or continuous history of the gold-mining industry as a craft. But we have ample evidence of its existence at various times, and of the vast treasures obtained therefrom—insomuch that attempts have been made at times to identify the Malabar coast with that Ophir whence King Solomon's fleets brought gold as well as "ivory, apes, and peacocks." Governor Duncan, of Bombay, was the first Englishman who instituted any inquiry into the facts of Indian gold-mining; and that was in 1793. But when Mr. Sheffield, Collector of Malabar, was called upon in 1831 to report on the subject to the Government of Madras, he not only gave very full and interesting details as to the localities, methods, &c., of the gold-washing in various parts of his district, but added:

"It has been well known from the earliest period that gold is produced in the province, and the collecting of it has been farmed out in Wynaad and the Nilambur valley (Malabar) for the last forty of fifty years."

Now, in the "Travels of Marco Polo" it is stated that "Kalar Dewal, Rajah of Malabar, had, about 1309 A. D., accumulated in gold 1,200 millions of dinars," equal to about 450 millions sterling.

About the year 1293, Alá uddin, afterwards Emperor of Delhi, took from the city of Deogarh, a vast ransom, in which was 15,000 lbs. weight of gold, and also 25,000 lbs. weight of silver.

From Greek classical sources we learn that a considerable proportion of the gold revenues of the Persian monarchs came from India.



Our late Chairman, Mr. Eastwick, writing in the *Times* in 1879, declared his belief that far richer gold-fields exist in Southern India than any hitherto discovered; and founded his opinion largely on the researches of Dr. Burnell, late of the Madras Civil Service.

"The learned Dr. Burnell," Mr. Eastwick writes, in his *Note on the Great Temple of Shiva at Tanjore*, "tells us that in the eleventh century, A. D., nearly all the great temples to Shiva in Southern India were built, and in the twelfth and thirteenth centuries the great temples to Vishnu were erected; and it has always been a puzzle whence the great wealth came which enabled the Rajahs of Southern India to construct such enormous works, which collectively must have cost millions. The marvel is increased by the fact that, so far from these Indian princes having been impoverished by this expenditure, they were still possessed of vast treasures, which fell into the hands of the Moslems in the fourteenth century and were carried away to Delhi. But the famous inscription on the Tanjore Temple, the deciphering of which (an astonishing feat) has been effected by the same authority, sheds some light on the matter. Dr. Burnell writes: 'The full importance in Indian history of Viva Cola's reign is only to be gathered from this inscription; but it contains other information also of great value. It proves, *e.g.*, that in the eleventh century, gold was the most common precious metal in India, and stupendous quantities of it are mentioned here. Silver, on the other hand, is little mentioned. I submit that the great abundance of gold spoken of in the inscription can have arisen only from mines, and that, in the terrible convulsions caused by the irruption of Moslem invaders from the North, and Europeans from the West, the position of these gold-fields was lost sight of.'"

Two better authorities than Dr. Burnell and Mr. Eastwick could hardly be named. The prodigious hoards of gold—both coin and bullion—amassed by Tippoo, are matters of history. Lord Cornwallis wrung from him the promise of upwards of three millions sterling—he sent thirty-eight camel loads of treasure as a bribe to Sindia—more than forty million star pagodas were captured at Seringapatam in 1799, and the gold about his throne produced nearly thirty thousand pounds. Further, it is recorded of the Rajahs in the Malabar district, in the report of the Commission of 1792, that they were entitled to a royalty on "all gold ore." Some of the temples in Mysore have been endowed from time immemorial with royalties on the gold produced in their neighbourhood; and of some of the poligars of Mysore, it is recorded that they exercised the right of minting gold.

The latter-day mining industry in the Wynaad began with some desultory experiments, undertaken by local planters, in 1869. Four years later the pioneers of the Colar concessionaires, opened negotiations with the Government of Mysore, at that time administered by Sir Richard Meade, as Chief Commissioner. Practically, however, the modern history of gold mining in Southern India dates from the period of the visit of inspection paid by Lord Lytton to the famine-stricken districts in 1877. He was accompanied by Sir Andrew Clarke, the Public Works Minister at that time. Now, Sir Andrew had been Chief Commissioner of Crown (Mining) Lands in Victoria. He at once noticed the auriferous character of the country, and on his recommendation, the Government of India

determined to send to Australia for an expert in mining engineering to report on the auriferous tracts of the Wynaad. Mr. Brough Smyth was the gentleman selected. He was sanguine and enthusiastic, and he is sometimes blamed for the speculative mania which gambled with mining shares in 1880 and subsequent years, during which large sums of money were wantonly thrown away, and the mining interest discredited. Mr. Brough Smith is, however, absolved by our lecturer from more blame than attaches to an exaggerated optimism, and he gets credited with having repeatedly warned the public of the dangers in its way. Apropos, here are what Sir Roper calls "shrewd observations," by Captain Robert Sheridan, writing in April 1887 of Mr. Lonsdale's gold-field at Harnhalli :

"You must not expect that you are going to meet with rich shoots of stone on the surface, for you must remember that the old miners were here before you, and tried all the outcrops near the surface, and wherever they found gold, they have taken it all away, and followed the stone down as far as possible. If we take the Colar Fields, for example : in no part of that field will you find an outcrop that will show more than a trace of gold, but when the bottom of the old workings were reached, the stone was proved to be worth from two to three ounces to the ton. You can spend as much money as you like in pottering about the surface, but it will do no good ; you must follow the lead of the old miners. During the years from 1881 to 1883, tens of thousands of pounds were spent on the Colar Fields in sinking shafts from 80 ft. to 100 ft. deep, and then giving them up, so they went on till all their capital was spent and they had to stop work, and now others will reap the benefit of their folly. The only Company that persevered and kept on was the Mysore, who unbottomed the old workings, and no one can deny that is a success. Then, there is the Indian Consolidated Company, late the Colar Company. They have got stone at the bottom of the old working worth 3 oz. to the ton. At the Nundidroog they have got good stone. Both these Companies, if they had remembered that they were working old mines, and not new ground, and if they had followed the old workings, would have been successful under the former Companies.

"After the experience gained by the failure of most of the Colar Companies in 1884, you must try and avoid making the same mistake, and instead of flitting time and money away on the surface, get to work mining in earnest, and sink below the point reached by the old miners ; if you do that I have no doubt you will meet with success."

And Mr. Bruce Foote, the Superintendent of the Geological Survey of India, writing of the unsuccessful Kudrikonda mine on the 11th June 1887, says :

"I believe my geological inferences to have been correct, and that the temporary non-success of the mine has been due mainly to want of capital wherewith to push on the works *in depth*. So long as sufficient quartz was raised to keep the stamps at full work, the mine paid its expenses. Should more capital be raised, and working be resumed, I fully expect the yield of gold will improve in depth, as has been the case in so many deep mines in Australia."

There was a good deal of waste and extravagance in connection with South Indian mining twenty years ago. Sir Rope

Lethbridge, in that connection, gives the following extract from a letter written by an old resident of Mysore :

"The last time I was in Madras, I saw a body of ordinary artisans conveyed up to Colar in a reserved first-class saloon carriage, which may seem a small matter, but every one of those artisans would expect to be waited upon and have servants to do things for him which, under other circumstances, he would have to do for himself. In the same way extravagant waste has been going on all through. Men have been pitchforked out here to manage mines, in many cases ignorant of mining, ignorant of the value of labour, of materials, and of the details of Indian life. Ridiculous contracts have been entered into, and jobbery of all sorts indulged in. Some of the people in this country who are managing the mines have, in my opinion, a very heavy load of responsibility to carry. I write strongly, but ever since 1880, I have been witness to what I now say. It might be a difficult matter to allude to this in a public meeting but if some one had the courage to do it, it would do good."

Sir Roper Lethbridge's speech was followed by a discussion, in which besides the Chairman and the Lecturer, Mr. Holmes, Mr. John Ogle, Mr. Martin Wood, Mr. Goodliffe and others took part.

Here is a noticeable bit from Mr. Brownjohn's speech :

The shares in the Mysore mine some time ago were at a very low figure indeed, showing that to go altogether by the Stock Exchange quotations does not always reflect the true position of affairs. Some people take advantage of these things. A gentleman I know of, bought a number of the Mysore Company's shares at 10*d* a share; he put £200 into this venture at 10*d* a share, and sold them out at £8 10*s* about a couple of years after; that was rather good business I think; he made about £30,000 over the transaction. I believe there is often a great future for people investing in mines, when one thinks of a celebrated mine in this country, the Devon Great Consols; the shares of that mine were brought out at £1 a piece: they fell to 2*s* 6*d*; and a number were bought at that price, and sold at £800 a piece shortly after. I should like also to ask about these plans hanging on the wall before us. They have been out some time, and do not show the workings at the present time to within several months. I think many of the mines are much deeper than represented to be by them. The Nundydooog Mine is now down to 300 ft.; the Mysore is down to 400 ft., and it will shortly now be much deeper, because they are already commencing to sink again. Then, I think, the Indian Consolidated have got down to 200 ft. or more. Then, with regard to the produce of gold: the Balaghat has been producing 4 and 6 ozs. to the ton; the Nundydooog, according to the last report, 5 ozs. per ton; the Nine Reefs 2 ozs. per ton, and the Oregum 9 to 10 ozs. to the ton, &c. There are many mines in the Colar district now producing gold in paying quantities. I believe about half an ounce to the ton pays very well indeed. I am sure for nearly everybody investing in these mines there will be a very great return shortly; and I fancy there will be another return for the Mysore shareholders in the shape of yet a further dividend of 20 per cent. very shortly. I cannot but think there is a magnificent future for this great industry.

*Palestine Illustrated.* By Sir Richard Temple, London : W. H. Allen & Co., 13, Waterloo Place, Pall Mall, S.W. 1888.

WE should be puzzled to say, if called upon for an opinion on the subject, whether versatility of genius, or eagerness to be always doing something, is the more prominent feature in Sir Richard Temple's character. One may be sure from his antecedents, that he looks carefully after the affairs of his Worcestershire estate, and that he assiduously attends, and assists at, deliberations of Parliament in Committee as well as in the House ; and during the recess, he either travels, and makes sketches of objects of interest in the lands of his visitation, or he turns some of the sketches in his portfolio into chromo-lithographs, and writes letter-press to match their gorgeous colouring. Last year we were favoured, with water-coloured views of scenery in Cashmere and Sikkim. This year an account of his journeyings to and fro in Palestine serves as background for display of his artistic abilities. The chromos in which the volume before us is replete, remind one of theatrical drop-scenes at some Suburban Music Hall rather than anything else in Nature or out of it. It is characteristic of Sir Richard Temple that, when making special reference to artistic colouring in the preface to his book, he should complacently quote the following passage from Ruskin, and discover in it no reproof:—

“ Of all God's gifts to the sight of man, colour is the holiest the most divine, the most solemn. We speak rashly of gay colour and sad colour, for colour cannot at once be good and gay. All good colour is, in some degree, pensive, the loveliest is melancholy. . . . God has employed colour in His creation as the unvarying accompaniment of all that is purest, most innocent, most precious ; while, for things precious only in material uses, or dangerous, common colours are reserved. . . . I know no law more severely without exception than this of the connection of pure colour with profound and noble thought. . . . The ascertainment of the sanctity of colour is not left to human sagacity. . . . The sacred chord of colour is not left to human sagacity. . . . The sacred chord of colour—blue, purple, and scarlet, with white and gold, as appointed in the Tabernacle,—this chord is the fixed base of all colouring with the workmen of every great age. . . . A faithful study of colour will always give power over form ; though the most intense study of form will give no power over colour.”

The “ geographical order ” of the places visited by Sir Richard is Joppa—Ajalon—Jerusalem—Bethlehem—Jordan—Jericho—Bethel—Shiloh—Shechem—Samaria—Dothan—Esdraelon—Jezreel—Tabor—Nazareth—Cana—Gennesareth—Tiberias. The

tour it will be seen, was limited in extent, and does not get beyond the region west of the Jordan. Hebron and Gaza, the northern division of 'Cæsarea Philippi, or Merom, and the coast of Tyre and Sidon remained unexploited. The purpose of the work is strictly confined, we are told, to a representation of many important scenes from Old World History relating to them. No pains have been spared, it is written, to verify authorities, and to embody the results of the latest researches on spiritual and cognate history, so far as they "concern the particular points which I adduce." Here is a bit of information for the tourist which may be useful :—

"The best and usual time for travelling in Palestine is from the latter half of March to the beginning of May. The traveller will then expect sunshine and pleasant weather, dry ground and unimpeded transit, spring verdure and blooming wild-flowers. Most of these good things he will, indeed, find at that auspicious time, though in the weather he may be disappointed even then. But such advantages do not accrue in February and the first half of March. They may, for a brief while, present themselves ; but in that case they will be abnormal and unseasonable. And, although they might be enjoyable to the traveller for the moment, he would, if a thoughtful man, regard them with foreboding, for they would portend drought, failure of crops, and ultimate scarcity. In other words, during the latter winter and the early spring, there ought to be heavy weather, rain-storms, vapour-masses obscuring the sky, falls of snow in the mountains and the loftier plateaux, bridle-paths turned into temporary torrents, lowlands becoming bogs, ploughed fields difficult to be crossed. Otherwise there will be no subsoil-moisture for the spring crops, no supplies for the fountains and streams, no pasturage for the animals. The traveller, then, who chooses, or is obliged to travel at that particular time, must face the weather. He will have to endure some hardship, he will miss seeing many beauties that are seen by those who travel at more favourable times ; but he will be rewarded by the sight of much grandeur that would not be visible under other circumstances."

Sir Richard, found the weather during his tour, stormy and wild,—“cloudy, with outbreaks of splendour.” But there were genial and delightful intervals between the storms, and occasions when the glory beheld, more than compensated for the toil and trouble. One's riding dress, when on tour in the Holy Land during the months of February and March, should not be thin and light as in hot climates people are used to wear. Water-proofs are recommended. Travelling is by no means an easy undertaking ; snow is common. Baggage-mules and donkeys have, at times, to be “extracted from the

loam or clay of the ploughed field in which they are almost imbedded, or have to be actually dragged across a turbid and impetuous brook. Our traveller narrowly escaped detention at Jerusalem from a fall of snow two feet deep; and the hills round about it are whitened in most winters, though not in every winter. Is it worth while to travel for pleasure under such climatic conditions? Sir Richard puts the question himself in other words, and in reply suggests that it is an imprudent undertaking for invalids or the weakly; but he holds that people who are physically strong, buoyant in temperament, and desirous of seeing wonders, will do well to "try their fortune."

In the central parts of Palestine proper, they will find Latin and Greek monasteries, where a hospitable welcome is always accorded to travellers. Winter travelling is as practicable for ladies with equestrian aptitudes as it is for gentlemen. Sir Richard commends the work done by the Survey of Western Palestine, and considers the publication it has put forth, *Twenty-one Years in Palestine*, a good *vade mecum* for travellers in that country. He made a start upon his tour from Joppa, a town which "though picturesque, had the draggled look, which all oriental cities have after heavy rain."

Thence, our traveller drove to Jerusalem, 35 miles along the new road in 10 hours. Sharon, passed on the way, had a musical sound in his ears from its connection with the opening verse of the 2nd chapter of Solomon's Song: "I am the Rose of Sharon." But he remembered, at the same time, that Conder, the latest authoritative Biblical Commentator deems this rose to have been the white narcissus. Ramleh is near the foot of the hills of Judah, not mentioned in Holy Writ, though Ludd, where Peter was, before he went to Joppa, became a famous bishopric after the Christian era. Here is a bit of Bible criticism:—

Something has been already, and much more well yet to be, said regarding Scriptural sites. But this occasion may be taken to mention, in a general way, what is meant by their identification. It must be admitted that, of the sites usually indicated to the traveller, some are fanciful, some unproved, and some plainly wrong, being contrary to the language of Scripture. At certain times of early Christendom, and especially of Latin Christianity, places seem to have been chosen as the scene of prominent events in the Sacred Record, without due regard to the words of the Bible itself, and without study of the ground in the actual locality. The errors hence arising are but too well known to travellers in Palestine. Nevertheless, the inquirer is not to be discouraged in his search for the sites of sacred occurrences, and for the scenes of momentous events in the history of our religion. It may be that the list of Scriptural places which cannot be at all identified is unhappily long. The number of places, too, which have been wrongly selected, is considerable. Still, there is the satisfaction of remembering that the sites and scenes of many among the most memorable events are known with reasonable certainty. Learned research, scientific inquiry, antiquarian exploration, have thrown, and are constantly throwing, much light upon these themes; but we may read, mark, and learn the words of Scripture, and, thus furnished, we may visit the sacred spots. There, with the ground and its surroundings under our eyes, we may read over again the passages of Scripture. We shall then have a

clear vision on many points of biblical geography where our ideas before were quite shadowy. And we shall be thankful to find that, humanly speaking, we have a positive assurance regarding the places where many among the most essential circumstances in the Bible History came about. The exact coincidence, in numerous instances, of the actual topography with the sacred narrative, adds another bulwark to the stability of our faith.

Two chapters are devoted to a description of Jerusalem and its neighbourhood, and are certainly the most interesting ones in the book. A well-executed map of the city precedes them. It is an awesome thought, that though the modern city stands on the same site as the ancient one, its salient features have been changed past any certainty of recognition; and that a city built on a cluster of hills has, in course of time, because of its ruins and their debris filling up all hollows, come to wear an almost level appearance to the eye. Equally suggestive is the latter-day distribution of the erstwhile exclusive city's inhabitants. Of its four quarters, Moriah and Bezetha are now occupied by Mahomedans, Akra gives shelter to Christians; in Zion alone are Jews gathered together, and even there, they have no monopoly of residence, but are associated with Armenians. The hotel is near the Jaffa gate. Akra is the mercantile quarter; but "trade scarcely exists." The bazars are highly picturesque, and stored with curious things, but lack "that bustling variety, that kaleidoscopic brilliancy for which oriental bazars are generally noted." The ornamentation of Solomon's temple is referred to as "some what gaudy and tawdry." Underneath the building are several subjects for the painter—cisterns, chambers, passages, flights of steps, rows of massive pillars—most of them hewn out of the solid rock. Here is the wailing-place of the Jews; to it all the Jews in the city go on Fridays to read penitential psalms, to mourn for the scattering abroad of the Nation, and to pray for its gathering together and return to Palestine. Sir Richard seems to have been much impressed with this observance, at which he one day assisted, having been smuggled into the assembly incognito. "Man after man," he writes, "would come, quite by himself, in black robes, with a grief-stricken countenance, would recite verses from his psalm-book in low tones, and would press his brows against the mighty masonry. It is literally true, as Porter has said of these Jews, that they moisten the stones of Solomon with their tears." Near the Temple are some Church Missionary schools, and Sir Richard waxes enthusiastic about their liberal management—in that Mahomedan and Jewish children are permitted to receive instruction with Christian children, in Christian Schools!

He walked up the "Via Dolorosa"; and the length and toilsomeness of the ascent raised doubts in his mind as

to whether the sad procession could really have followed this route. "Sombreness, solemnity, variety, and richness," are set down as the characteristics of the Church of the Holy Sepulchre.

While at Jerusalem, our traveller changed his dragoman, and with the new man conveying him, rode to Bethlehem—a modern town presenting a clean and pleasant appearance, enlivened by an ever-abiding cheerfulness. We are assured that those whose duties or pleasures may take them to the place will find the scenery exhilarating, as the position is favourable for excursions, full of interest and instruction. The wilderness of Judæa is near at hand, and often commands lovely views of the Dead Sea: it is but a day's march to Hebron. The view from the square-topped hill, known as the Frank mountain, the palace and tomb of Herod the Great, will fully reward those who undertake the ascent. Here is our author's word-interpretation of the illustration which is given in his book:—

In the foreground are the olive groves already mentioned, which in this neighbourhood are extensive and productive, though they do not appear to contain trees of any considerable age. From the groves, the bridle-path is seen ascending to the town on the height above. Near the brow on the ridge, are the ecclesiastical buildings, and the sacred structures over the site of the Nativity. These are tipped by the rays of the declining sun. The sky behind is gilded by the rich light which is shed towards evening in these regions, when the air has been cleared by recent rain.

Tourists in Palestine are advised to visit the Dead Sea, the Jordan, and Jericho, before proceeding northwards. They should take the straight road running from Jerusalem past Bethany to Jericho. Our author's approach to the Dead Sea was from Bethlehem to the monastery of Mar Saba, placed on the brow of the very steepest part of the Kedron ravine, in a situation the most weirdly picturesque in all Palestine. There are hermit caves all round, and the very air teems with saintly legends. In the monastery are several court-yards and many guest-chambers for sheltering travellers, which is recognized as a conventual function. The monks of Mar Saba, however, expect the traveller to bring his own food-supplies with him. Though sad and gloomy of aspect, they are, nevertheless, courteous, in spite of having suffered oppression and persecution in the early days of Christianity. So long ago, in fact, that they do not remember it.

From Mar Saba the traveller takes with him two Bedouins on foot as an escort, according to Turkish regulations; for though in the inhabited parts of Palestine, travellers are safe from overt robbery and violence, in the wilderness it is not so. The nomad tribes there are often unscrupulous; and ergo, —on the same principle that induces Anglo-Indians living in the Mofussil to employ members of *quasi*-criminal tribes as bungalow chowkeydars—members of the unscrupulous Nomad tribes are chosen for escort-duty, and their tribe



is held responsible for their good behaviour. Sir Richard characterizes one of their encampments as "a characteristic subject for the artist." Another such subject, a page or two further on, is the bathing in the Jordan at Easter-tide. The plain of Jericho is commended for its fertility; and this is due to canal-irrigation, which in Palestine does not appear to induce *reh*, or *zulum* on the part of officials, or falsification of accounts, or, in short, any of the mischiefs imputed to canals in India. Quite the contrary. They are fed, it seems, from a mountain-stream, the very one the Prophet Elijah blessed thousands of years ago, and which has ever since enriched the plain of Jericho and made it one of the wealthiest gardens of the East, and the envy of surrounding peoples. The source of this stream is a spring "bubbling up from the bowels of the mountain." It is called by the natives the Sultan's Fountain. Behind Jericho, Mount Quarantania rises to a respectable height above the plain; a mass of tawny and whitish rocks, forming a background to the mounds that mark the site of the Ancient City. Many dark spots may be perceived, extending in long rows, one row rising above another in parallel lines. These are the cave-cells of hermits; for that idle occupation continues to attract votaries still, very much after the manner of a couple of thousand years ago,—only not as ascetically now, as then. Sir Richard Temple found the occupants of the caves busy improving their cells by means of masonry and additional excavation. Tradition declares Mount Quarantania to be the scene of the forty days Temptation of Christ; whence the name, and the number of hermits too. It is pointed out that acceptance of the tradition on the part of exact enquirers, must depend on determination of the place at which Christ was baptized; for if that place be at some point of the Jordan opposite Jericho, then it is clear from the language of Scripture, that he went for his Temptation in the wilderness to a mountain close by; and Quarantania is the only mountain that would have been perfectly suited to his purpose. The scene of the Temptation must be sought elsewhere, if (as some recent authorities incline to suppose) the baptism was effected at some point higher up the Jordan. It goes without saying that Sir Richard Temple made the ascent of Quarantania; not by any means a difficult enterprize. Here is the letter-press accompaniment to a chromo said to represent the view from the top:—

It is morning time, and the sun has mounted not very far above the eastern horizon. The prevailing tints of the sky are blue, blended with amber. The mountain-range of Moab is in shadow and stands up in violet-grey against the sky. At its feet is the northern end of the Dead Sea, catching the sunlight and glistening as a silver sheet. On this side of the salt-water, is a long strip of desert land with reddish hues. Then comes the broad belt of sylvan verdure, which girdles Jericho

as with a zone. In front of this, and near to the foreground, though still much below the eye, are the fountain-reservoirs, the chief of which is a small sheet of water in which the sky is mirrored. From these the principal water-channels are seen wandering in bright streaks among the over-shadowing woods. The lofty pedestal on which we stand, is formed by the red rocks of Quarantania.

From this standpoint, Robinson thus wrote in 1841 (*Biblical Researches*, vol. II.): "We here have our last and most splendid view of the plain of Jericho. It is one of the richest in the world."

Here is an interesting note on the trees of Palestine :—

The oaks that sheltered the patriarchs and their tents are of three kinds. The famous terebinth (pistachio) can still show individual trees of remarkable beauty. The acacia, or shittim, which supplied wood for the Tabernacle, is common to this day. The juniper, under which the prophet rested, is the Retem broom (*genista*), and is reported as lighting up the desert with white blossoms. The locust tree, the pods of which are believed to have been the "husks" eaten by the prodigal, is often found. The balm of Gilead and Engedi is identified with the Zakkum, from the berries of which a healing oil is extracted; and the camphire of the Canticles with the henna, whence pink dye is obtained for personal adornment (Conder). Other trees, as the sycamore, the ash, the plane, the elder, the hawthorn, the abutus, the tamarisk, may be mentioned. But now-a-days these trees are not found in their pristine abundance. They are only seen singly here and there, or in scattered and scanty groups. Though the people are sparing of wood in building their houses, they have used it for fuel without stint during thousands of years. There never has been, and is not yet, any attempt at forest conservancy; consequently, the consumption has long out-stripped the supply. Thus, the mountains, valleys, and plains have in time become denuded of the sylvan vegetation with which Nature had originally clothed them. Adverting to the woods, Conder (*Handbook to the Bible*) truly says: "The annual destruction of trees for fire-wood threatens in time to reduce these to the same condition with the ancient forests near Jaffa, which now consists only of low bushes springing from the roots of former timber-trees."

Even this is within the truth, for I heard that even the roots of trees are being often dug out for fuel, so that in many places the last remnants will be extirpated.

It is quite useless to suggest forest conservancy to the Turks. It is alleged that, owing to the denudation of hill sides, the climate of the central ridge, once delightfully salubrious, has sensibly deteriorated. Sir Richard Temple went to Palestine too early in the year to be delighted with its wealth of beautiful wild flowers. The nightingale is heard in the thickets of Jordan; but song birds are rare. Not so birds of prey. Eagles, vultures and hawks are numerous; so are many game birds—quail, partridge, woodcock, plover, and others. The grasshoppers are so abundant as to be roasted for food; and locusts sometimes devastate the country. The honey bee is reared in mud hives; but wild honey is hardly to be identified. "Respecting pictorial effect, the scenery is suggestive and characteristic, rather than beautiful. That loveliness of nature which in other climes has excited terrestrial worship, and inspired the human mind with fanciful and fabulous notions, is hardly to be seen here. Some travellers, keeping perhaps a special standard of comparison in their thoughts, have been much disappointed. Allowance must be made for the monotony shed over even the boldest scenery by the glare of a midday sun in the East. The quality of this scenery can be estimated only in the mornings and

evenings, when the shadows are long, and the lights are effective from being limited. Some artistic authorities, too, have deemed the scenery to be lovely in itself, irrespective of its associations. Certainly, in or about this Central Ridge, our journey introduced us to at least six views which, besides all other considerations, are very fine pictorially. The hill-folk have few national traits, and but little of political life or tribal organization. But, under the local patriarch or Sheikh, they do, in their villages, have something like Self-Government. They are descendants of the Canaanites, Jebusites, and Amorites of the Bible, and cling to manners and customs that have prevailed amongst them from Biblical times. Though they were conquered by the Jews, they never yielded to Jewish, or to Greek or Roman influences either. Islam conquered their prejudices. They were converted by Arab soldiers some 1,200 years ago to Mahomedanism; and to that faith they still remain steadfastly attached, joining to its practice some of their old idolatrous rites and ceremonies—much, perhaps, as illiterate, low-caste Indian converts do now in India. The Central Ridge hillsmen display fanaticism occasionally; but, as a rule, are quiet, tolerant, and forbearing, and sedate, and reserved in demeanour. They told the Palestine exploration surveyors that there was no room in their hearts for mirth. They are dark complexioned, but not so dark as the Arabs; and they cultivate the soil, chiefly as peasant-proprietors, directly under the Turkish official who collects the land tax. They are called fellahcen, just as the peasantry of Egypt are; and they are a manly, patient race, much too good for Turkish rule. Through the stony hill-heritage of the sturdy tribe of Benjamin, we get to Bethel; and there Sir Richard decided to have his cook well mounted, his presence at the end of a weary march being indispensable to exhausted nature.

Josephus writes thus of Capernaum and the country round about the Lake of Gennesareth:—

One may call this place the ambition of nature, where it forces those plants that are naturally enemies to one another, to agree together; it is a happy contention of the Seasons, as if every one of them laid claim to this country. . . . It supplies men with the principal fruits, with grapes and figs, continually during ten months of the year, and the rest of the fruits, as they become ripe together, through the whole year; for, besides the good temperature of the air, it is also watered from a most fertile fountain. The people of the country call it Capharnaum (Kefr-Nahum); some have thought it to be a vein of the Nile, because it produces the Corasin fish, as well as that lake which is near to Alexandria. The length of this country extends itself, along the bank of this lake, for thirty furlongs, and is in breadth twenty." (*Whiston's translation.*)

Alas! there is little left of all this excellence. Instead of it, desolation reigns supreme; but the luxuriance of the wild vegetation bears witness to the capacities of the soil that has been left untilled for centuries. Tristram, in his *Bible*

*Places*, describes it as "a wilderness carpeted with wild flowers." The village of Jel-Hum probably represents Capernaum, where was once an ancient tomb of Nahum, now lost. Other people hold that Khan Minich is the true site of the lost Capernaum. The two places are less than three miles apart. At all events, Sir Richard concludes, one or other of the ruins must comprise the Synagogue in which Christ was present. The site still known to the natives as Karazah represents the Chorazin of Scripture.

*Palestine Illustrated* is a book that will, perhaps, be appreciated by some religious people, to whose theological opinions Sir Richard's are affiliated; but it is too languid for a robust English public, and not likely to find favour with it.

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*Hindu Music*, Part I; being an Exposition of the Theory and Fundamental Principles of *Mārga-desī Sangita*, or Harmonic Music of the Ancient Hindus. By Nanda Kumāra Mukhopādhyāya. I. C. Bose & Co., Stanhope Press, Calcutta, 1888.

THIS is the first part of an Essay on the above interesting subject, in which the writer has treated of the genesis and antiquity of Hindu *Mārga-desī* Music. In the second part, which will follow, he promises to discuss the science and art of Indian Music as it exists at the present day. As the subject has been treated at length in a recent number of this *Review*, we will here notice the pamphlet briefly, proposing to review the subject more fully when the whole Essay is published.

Little is known, and much less is understood, of what is called *Mārga-desī* or Harmonic Music, which was, no doubt, cultivated at one time in this country. According to the author, *Mārga* literally means offspring of search, enquiry, investigation, &c. and *Desī* means local, indigenous, popular, and the compound word signifies a system of music, founded upon facts and principles determined empirically and æsthetically, as well as upon those ascertained by scientific investigations. But beyond the etymology, we have very little useful or reliable information on the subject.

A history of the rise and development of Harmonic Music among the ancient Hindus, would be an exceedingly instructive book, specially to English and other foreign readers, among whom the subject is attracting much attention at this moment. Such a work can only be written by a Native artist, thoroughly at home in the science and art of European music. Unfortunately, Music is one of the lost sciences of the Hindus. So far as we know, very few original Sanskrit works on Music are extant, and

such as have come down to our age are rare and fragmentary. Hence a critical history of Hindu Music seems to us to be a hopeless undertaking, and the attempt of the present writer, though commendable, falls very far short of the standard of such a work. In the first place, he had not access to the three recognised treatises on Hindu Music, viz., *Sangita-Ratnākara* by Śāranga Deva, *Sangita-darpana* by Dāmodara, and *Sangita-dāmodara* by Subhankara. For this we do not blame him, for he has, apparently, bestowed much thought and research upon the elucidation of the subject. But we do blame him for his unscientific spirit. In the absence of proof or historic evidence, a spirit of meekness and enquiry is most becoming in a writer. Our author seems above such weakness. Even when his arguments are a mere tissue of unscientific assumptions, he makes no attempt to show that they are correct or even plausible. We confess that there may be some truth in his conclusions, and it is, on that very account, all the more necessary that the data from which they are derived should be carefully examined. But the perception of a remote analogy seems to fire his imagination, and he jumps at conclusions for which there is not the least ground in fact or reason.

The writer has drawn the materials for his history from the Universal Sanskrit Dictionary of Sir Mahārāja Rādhākānt Deva, and from the musical compilation (*Sangita-sāra*) of Sir Mahārāja Joteendra Mohan Tagore and his accomplished brother. He has collected many scattered ancient aphorisms on the subject disclosing glimpses of musical culture among the Hindus at a remote period of their history. But along with what is valuable as historic realities, the writer has strung together curious scraps of information, bearing on such questions as whether the ancient Hindus possessed a knowledge of Acoustics; whether they understood the wave-theory of sound; whether they knew the use of spring-keys in the construction of musical instruments; and similar abstruse matters. We admire the writer's ambition to rehabilitate a defunct science; but he must not run away with the notion in his head, that his *ipse dixit* on any point is either science or history. We will give an instance of the futility of such discussions. The writer maintains that the Hindus possessed a knowledge of the undulatory theory of sound, and that their notes and musical scales, which have been fixed with scientific precision, are an evidence of this knowledge. We quote from his argument on this point, as affording a sample of the matter and manner of the writer :

The word *dhās'a* is derived from the root *kās'*, which means *dīpti* or light; consequently it is evident that the phenomena of light could not be fully accounted for by the four *Bhūtas*, viz. earth, water, air, and light; and,

therefore, another state of matter had been assumed to explain such phenomena. It appears from *S'abda-Kalpa-Druma* that the root *Kās* means 'sound', *kās* means unpleasant sound as in coughing, and *kās* means striking motion and gradually fading. All etymologists derive the word *ākāśa* from the root '*kās*,' but it is curious to observe that instead of the phenomenon of light, the phenomenon of '*Sabda*' (sound) is attributed to it. The term *ākāśa* has become highly ambiguous, inasmuch as it is used to express vacuum, infinity, the atmospheric region, the firmament, the regions of cloud and light, the abodes of gods, etc. From the above, it is manifest that the modern Hindus have jumbled up together the phenomena of sound and light and the agencies thereto; but whatever might be the present idea of the phenomenon of light, and whatever might be the idea of the physical cause of sound, it is so far certain that such cause was by the ancient Hindus associated with the ideas of number, measure, individualization, conjunction, separation and sensation of sound. It would be absurd to connect these ideas with that of space, irrespective of some material body which is the external cause of sound, and such being the case, they refer to system of sound waves; and therefore the word *A'kāśa* or more properly *ākāśa* or *ākāśa* (now lost to the modern (*Sic*) Sanskrit language) must mean system of sound-waves; and the terms, number, etc., cannot but mean what English acousticians express by the terms number, amplitude, figure, composition and analysis.

Now, we will try to show that the Indian *Nyāya Śāstra*, which is a stiff and closely-reasoned science, does not favour the loose conclusion on which the writer lays so much stress. According to the *Vaisesika Sutra* of Kanāda, which defines and explains its properties, *ākāśa* is the fifth elementary substance known to the ancient Indians. Its peculiar and distinguishing quality is sound, which is apprehended by the organ of hearing. Its existence as a distinct substance is deduced, not from distinct perception, but from inference. The qualities of earth, water, air, and light, which are the other four elements, are not apprehended by the hearing, but sound is; therefore, it is not a quality of those substances. Hence a substratum, other than all these, is inferred; and that substratum is the ethereal element. As a substance, it has the qualities of number, dimension, individuality, conjunction, and disjunction. These qualities are again strictly defined, and their appositiveness will become apparent when we recollect that the *Nyāya* theory of the senses and their operation is the converse of the old European theory of sensation. In this theory, the external objects were supposed to send refined copies of themselves to the mind, through the senses. According to Kanāda, on the other hand, the mind is viewed as despatching a sense towards its object, in a material state resembling that of the object itself. Thus, luminous bodies are supposed to be discerned by means of a ray of light, which proceeds from the eye, and which constitutes the sense of sight. Similarly, external sound is represented as being perceived by means of the ether which resides within the cavity of the ear.

From the above explanation, it will appear why the ancient Indians considered ether to be the vehicle of sound, and not of light ; and if the etymology of a term has any weight whatever in scientific discussions, the derivation of the word *ākāśa*, given in the *Sabda-Kalpa-Druma*, entirely supports the *Nyāya* theory. But whatever be its merits as a scientific hypothesis, the theory is at least lucid and logical ; and if so, what becomes of the writer's assumption that "*ākāśa* must mean a system of sound-waves, and the terms, number, etc., cannot but mean what English acousticians express by the terms, number, amplitude, figure, composition and analysis."

We will not follow the writer further into a discussion of controversial questions, on which, as he will see, much may be said on either side. Admitting that the ancient Hindus were at one time great in the science of Music, what we do say is, that its possibilities are greater. We will not touch upon the technical and scientific part of the subject until the issue of the second part of the Essay, which we hope will be soon published. But we warn our readers, that for a due appreciation of this writer's labours, they must not only bring to the perusal of his Essay a general acquaintance with the subject, but a technical knowledge of musical notation.

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THE  
*CALCUTTA REVIEW.*

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*No man who hath tasted learning but will confess the many ways of profiting by those who, not contented with stale receipts, are able to manage and set forth new positions to the world: and were they but as the dust and cinners of our feet, so long as in that notion they may yet serve to polish and brighten the armoury of truth, even for that respect they were not utterly to be cast away.—MILTON.*

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## EXORDIUM.

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GOOD writing makes good reading, and good writing is generally the outcome of a thorough knowledge of one's subject, coupled with strong convictions concerning it. There must, then, be plenty of good writers in the different Services in India, men who have spent half their lives in mastering some particular branch of the administration. The pages of the *Calcutta Review* are open to those who have something to say, and can say it well, on any subject, but it is desired especially to make it a receptacle for well-considered thoughts and essays on administrative topics of every sort, not excluding law and legislation, provided they are popularly treated, and are not too technical. The *Calcutta Review* is the only Quarterly Review published in India, and it is hoped that administrators and others in all parts of India will support it, and, if they are of a literary turn, will sometimes contribute to its pages. False impressions are often created by the merely local and partial observation of a single individual, and a correct knowledge can only be arrived at by hearing what different persons in different localities have to say on the same subject. The Editor ventures to append a list of subjects on which articles would be acceptable. The many thoughts of many minds, criticism and counter-criticism, the experience of different places, should tend to produce a right understanding of social and administrative matters, from which even the best-informed

Government may now and again derive some information and benefit, some hint for legislation, some material for action :—

Agriculture.	Education.	Outstills.
Arms Act.	Emigration	Penal Codes.
Canals.	Excise.	Police.
Census Statistics.	Explosives Act	Post Offices.
Christian Missions.	Ferries.	Pounds.
Civil Justice.	Festivals.	Prisons.
Corporal Punishment.	Fisheries.	Railways.
Criminal Justice.	Forests.	Roads.
Criminal Castes and Tribes.	Legal Practitioners.	Salt.
Dacoity.	Legislation.	Sanitation.
Drama and Dramatic performances.	Local Self-Government.	Settlements.
Economic condition of people, their occupations, amusements, diet, &c.	Manufactures.	Separation of Judicial and Executive functions.
Endowments.	Marriage Customs.	Stamps.
	Medical Registration	Village Police.
	Municipalities.	Widow Re-marriage, &c.
	National Congress.	
	Native Christians.	
	Opium.	

The above subjects are mentioned, as many who have spent a decade or more in the Mofussil must be able to say something worth hearing on one or more of them ; but editors cannot afford to reject good material on *any* subject. District Officers especially, who have all the threads of the administration in their hands, and have toured in the remotest corners of remote districts, must be positively brimming over with ideas, which possibly they are too lethargic or too diffident to embody in an official report. Will they not give those ideas "a local habitation and a name" in the pages of this Review ? To do this, it is not necessary that they should burn the midnight kerosine or pale ozokerit. They will have more time than enough by sparing an hour or so occasionally from their ante-prandial whist, or by writing shorter judgments in the morning, especially as long ones only present a larger broadside to the fire of the Appellate Court. Prodigious literary achievements have resulted from following the secret of the great divine, "*Nulla dies sine linea*," or the Virgilian precept that once begun is half-done—

"*Dimidium facti, qui cepit, habet.*"

An intending contributor has asked us our "political creed." We have none, unless to regard loyalty and honesty as a *sine*

*quâ non* can be called a political creed. The photographic apparatus of the *Calcutta Review* is so constructed as to reproduce faithfully all *honest* views, while it rejects what is dishonest as even more despicable and dangerous than what is openly seditious. Every editor must draw the line somewhere: we draw it at the writer who does not honestly believe what he says. Provided a contributor is temperate, can give facts and solid arguments in support of his views, and, above all, *honestly believes them*, it does not matter a Bengal brinjal to us whether he is a rampant "sluffster," or but a down-trodden Sassenach.

EDIT OR.

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# THE CALCUTTA REVIEW.

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*No. 174.—OCTOBER, 1888.*

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## ART. I.—THE VILLAGE POLICE OF BENGAL.

THE great body of village chaukidars which forms the rural Police force in Bengal has been correctly and forcibly described as the “backbone” of the Police system of the Lower Provinces. The growth, structure, and anatomy of such an important ‘limb of the law’ is a subject full of interest and instruction ; not only to the executive officers of Government, but also to the community at large whose property he is paid to protect. The subject divides itself naturally into three periods or stages of development: I.—The period of native rule: II.—From the assumption by the East India Company in 1765 of the Dewani of Bengal, Behar and Orissa, to the year 1870 when Act VI B. G. of that year became law: and III—from 1870 to the present time. Of the two first of these periods, a very full account was given by the late Mr. D. J. McNeile in his Report on the Village Watch in 1866. It is said that if you scratch the Russian you will find the Tartar: it may be said with equal truth, that if you scratch the chaukidar you will find the dacoit. It has always been a matter of surprise to me that, amid the many improvements and reforms which have been made in all branches of the administration during the last fifty years, the status and personal character of the village chaukidar still remains so similar to what it was under the rough and ready Police organisation of the last century. In describing the condition, duties and character of the village chaukidar during the earlier periods of his official existence, it is not necessary to draw upon the imagination. He can be described as he was seen by the

Government officers of the time. Witness a Magistrate, writing in 1798: "He (the village *chaukidar*) is appointed to take care of the interests of the inhabitants and of travellers. He is required to procure safeguards for the transmission of money collected in the villages. He is obliged to make daily reports of the state of the places to the Darogah. He is the public postman or *dāk-man*, and the person to apply to by all who have anything to do with the village he may be attached to." This veritable jack-of-all-trades, though owing a nominal allegiance to the Police and to the public, was appointed by the Zemindar, who gave him *chakran* lands for his support, and to him he was in reality bound, body and soul. This absolute dependence on the Zemindar was very early recognised as one of the greatest blots on the system. The *chakran* lands allotted to the *chaukidar* were, as a rule, not only insufficient in quantity but inferior in quality. He had to eke out a miserable existence by begging or stealing. Another Magistrate, writing in 1810, says: "The landholders persist in resuming the *chakran* lands, and where resumption does not take place, the lands formerly held by these subordinate Police-Officers have been changed for lands of an inferior quality." The results of this treatment are thus described in 1814 by Mr. Brodie, Magistrate of Hooghly: "Upon the fidelity and vigilance of this class of people (the village *chaukidars*) the prevention of crime, and the efficiency of the Police exclusively rests. They are not looked upon by the Zemindars as watchmen, but as the servants of the public:—subject to the call of everyone to show the road, convey messages, or carry burdens . . . . No nightly watch is kept up by them . . . . and few robberies occur in this district, unless actively guided or secretly abetted by them." As a remedy for this state of affairs, the writer quoted above proposed "to appropriate the *chakran* lands and raise a fund for the maintenance of regular Police, aided by voluntary donations and assessed contributions of the community."

We have here, curiously enough, ideas far in advance of the time, but which did not bear practical fruit until more than 65 years afterwards. Here is a description of the *personnel* of the village Police force: "Of the lowest rank, drunken in their habits, squalid and *horrid* (sic) in their appearance." It is no less graphic than the picture of their pitiable condition and poverty. Most District Officers in Bengal could, no doubt, give from the old volumes of correspondence in their offices, similar accounts of the wretched condition of the village Police, and of the earnest representations made by their predecessors on the subject. Magistrates had, however, in those early times little or no time to devote to any practical and personal attempts to remedy such a state of affairs. The office of Judge was

combined with that of Magistrate up to the year 1810 ; and even after their separation, so large were the districts and so wretched the state of communications, that a district officer could not make his personal influence felt for good much beyond the limits of his station. Nor was the supervision of the Darogahs any more effective. For perhaps one day in the year, on the occasion of a crime which demanded his presence in a village, the authority of the Darogah was supreme ; but for the remaining 364 days, the Zemindar or Talukdar held undisputed sway.

The constant representations made by the Magistrates of those early days appear, however, to have eventually had the effect of rousing Government to action. The outcome was the passing of Regulation XX of 1817, which, however, made no radical changes in the Regulation (XXII of 1793) which it superseded. The appointment of a Superintendent of Police for the Lower Provinces in 1810, and of a Superintendent for each district, (under whom the Police organisation took a more military character) about 1842, somewhat improved matters as regards supervision. Efforts for the reform of the village Police appear to have been vigorously and honestly made both by them and by the Magistrates :—but the main evils of the system—the entire subordination of the chaukidars to local influences and to the will of the Zemindars, and their poverty—remained untouched. In a circular of the Nizamat Adalat issued to Magistrates in 1828, they are “desired to refrain from inflicting corporal punishment on chaukidars as much as possible, consistently with a due regard to the proper discipline of your establishment. It appears to be the practice of many Magistrates to flog the chaukidars when they are unable to discover the perpetrators of thefts in their villages.” The flogging was apparently legalised by Regulation III of 1812. The Court went on to direct, with a fine irony of language that should it be found really necessary to flog chaukidars, the “flogging should be inflicted on the posterior instead of on the shoulders to distinguish them from common thieves.”

Later on, in 1838, a Magistrate writes to the Superintendent of Police to protest against the repeal (by Regulation II of 1834) of the above Regulation, which he says “has done more, as all Magistrates agree, to disorganise the Police, and to encourage crime, than any other rule or regulation which it would have been possible to have invented.”

One of the results of the passing of Regulation XX of 1817, and of the greater attention bestowed on the village Police by Magistrates and Superintendents of Police, was to bring more generally to light the existence of more than one species of the genus chaukidar. During the earliest period of our rule, all chaukidars, under the general designation of “*paiks*,” were the

recognised servants of the Zemindars. As they gave them their lands and were responsible for reporting crime, it was equitable enough that they should be allowed a voice in their appointment. About the year 1837 some of the Magistrates issued orders that the paiks were no longer to perform any kind of service for the Zemindar. The late Baboo Joy Kissen Mookerjee subsequently took a prominent part in contesting the legality of this order, and the result was that the services of the "*gram saranjami*" paiks, who fell within the description given in Section 41, Regulation VIII of 1793, were made over entirely to the Zemindar, while only those liable to perform Police duties were entered in the Thana Register prescribed by Section 20, Regulation XX of 1817. In 1844, Mr. W. Dampier, then Superintendent of Police, L. P., issued orders that in all villages containing more than 50 houses, the Zemindar should be called upon to nominate chaukidars for Police purposes (at the rate of 1 chaukidar to every 100 houses) while for those villages that had less than 50 houses, the Zemindar and villagers were to arrange among themselves. To these arrangements may be traced the anomaly of the existence, in some districts to the present day, of three classes of chaukidars : (a) those paid entirely by land : (b) those paid entirely by money subscribed by the villagers (*dwārmāsara*) : or (c) those paid partly by land and partly by money. The Magistrate of Hooghly complained bitterly that these orders had decreased the watch and ward of his district by 1,364 men, and had lead to an increase of dacoity. The Superintendent of Police retorted that he was "glad the people had been relieved from the necessity of supporting so large a number of useless Police Officers who planned and shared in the dacoities"

To show the extent to which the lands of these unfortunate beings had been purloined by the Zemindars, it may be mentioned that the amount of land set aside for the support in the Hooghly District of over 8,000 chaukidars by the Decennial Settlement was 77,196 beegahs : while the Magistrate found in 1837 that only 56,755 beegahs were then actually in their possession. Such steps as were possible were taken to recover the missing lands, but it was found that most of them had been taken by the Zemindars with the consent—free or forced—of the original holders.

The following extract is from a letter of Mr. E. A. Samuells (afterwards Commissioner of Patna) Magistrate of Hooghly in 1836, in which he reported the number of paiks in the district (before the separation alluded to above) :—

"Were this enormous force regarded with the attention which ought to be bestowed upon it, or were it placed on a just and independent footing and care taken to *raise the materials*

of which it is composed, what a powerful and effectual instrument might it not become in the regeneration of the Indian Police." These weighty words bear almost as much application to the present condition of the village Police as they did on the day on which they were written. He goes on to detail the hardships of a *chaukidar's* life and the exactions to which—especially in the shape of "*ani salâmi*"—the *Zemindar* perpetually subjected him. The *chaukidars* paid in cash were no better off than their landed brethren. They had to collect their own pay from door to door—and some of it, though collected with such difficulty, found its way into the pockets of the *Zemindar*. As remedies, Mr. Samuells proposed to give the *chaukidars* a uniform: to hold frequent parades: to take away the right of nomination from the *Zemindar*: to ensure a minimum holding of 12 *beegahs* to each of those paid by land: and to appoint *Panchayats* to collect the subscriptions of villagers, for those paid in money (*dwârmāsara*) and to give liberal rewards. Here, again, we have a forecast of the subsequent legislation of 1870.

It is impossible to say that the *chaukidar* of the later was any better off than his predecessor of the earlier period, or that his superiors had any better opinion of him. The machinery had indeed been changed, but the material was the same: the truth of the old scriptural saying, that no man can serve two masters, was proved up to the hilt.

The more modern period of the *chaukidars'* history leads to a consideration of the effects of the changes made by Act VI. B. C. of 1870, and its amending Act I. B. C. of 1886. The former Act was not a root and branch reform, such as appears to have been urgently called for by a succession of Magistrates, inasmuch as it left intact, side by side with the new, the old law which applied to *chakran* *chaukidars*. Under Section 3 of Act VI. B. C. of 1870, it was optional with the District Magistrate to adhere to the old system or to introduce the new into any village containing more than 60 houses, (Section 3), or to a group of villages within a mile of one another and containing not less than 80, (Section 4.) As a rule, the old law was left in force wherever the *chaukidars'* lands were sufficient for their proper maintenance and support: i.e. so long as *chaukidars* could be found willing to hold them. In many of the smaller villages in which the *chaukidars* were remunerated by the subscriptions of the villagers, or by land, or by both, the new Act could not be legally introduced owing to the limitations imposed by Sections 3 and 4. Thus the old anomaly of three separate classes of *chaukidars*, each remunerated in a different manner and to an unequal extent, still remained. As regards control, the *chaukidars* who came under the operation

of the new Act, merely changed masters. The Panchayat took the place of the Zemindar, and that too without the latter losing all his former influence. The minimum pay was fixed at Rs. 3 and the maximum at Rs. 6. It was in practice, as Mr. Monro's Commission found, much nearer to the former than to the latter. The duties of the new chaukidars were more clearly defined, (Section 39) but their subordination to the Panchayat and to local influences was not materially lessened. The Panchayats took but little interest in their duties. The assessment of the tax was an invidious task, and the collection of it rendered them unpopular with their fellow villagers. In many cases they left the chaukidar to collect the tax himself. Power to fine the chaukidar was given by Section 38, but it was not stated by whom the power was to be exercised. The Magistrate was empowered by Section 37 to dismiss any chaukidar for misconduct or neglect of duty, but he cared so little for his appointment, that these provisions had little or no effect in improving his conduct and discipline. It is not to be wondered at, therefore, that Magistrates and Police Officers, after a trial of the new system, extending over a period of more than 10 years, were still loud in their complaints of the utter inefficiency of the village Police. Both Mr. D. J. McNeile in 1866 and Mr. Monro's Commission in 1882, recommended drastic measures; but the only result was the disappointing Act I. B. C. of 1886—passed on the assumption that its predecessor had not had a fair trial, and that the nomination of Panchayats had been left too much in the hands of the Police. The amending Act of 1886 provided for the first appointment of Panchayats, only after the personal visit to the village of a Magisterial Officer, who was to assemble the inhabitants together and explain to them the provisions and intentions of the law. Vacancies in the office of Panchayat were to be filled up on the nomination of the remaining members: the period of service and of exemption from it was extended from two to three years—and the whole Panchayat was to be re-constituted after the expiry of that period; the assistance of the chaukidar in the work of collection was secured to the Panchayat by law as one of his regular duties: his pay was made legally due once a quarter instead of once a month; provision was made for the appointment of a Tahsildar in certain cases to collect the tax for the Panchayat; and lastly, the Magistrate had power to order the Panchayat to pay the amount of his collections to any officer named by him, in order that the payment of the chaukidars might, if necessary, be made directly by the Police or by some other Government officer.

All these were mere changes in procedure and detail, and it is perhaps too soon to make any very accurate estimate of their

effect. The increased attention given to the subject has doubtless resulted in many minor administrative improvements, but the old *system* has practically remained untouched. The following reforms are still urgently called for. All dual control and local influences must be swept away. The post of chaukidar must be made worth having and worth keeping; it should no longer be recruited from Bagdis, Haris, Domes, Chamars and other of the lowest and most criminal classes, who have now, at least in practice, a quasi-hereditary claim to the post. As the old burkundaz has been transformed into the comparatively smart and well-dressed constable of to-day, so must these village chaukidars put off the old man and put on the new. In many districts much has been, and more no doubt can be done by the personal influence and energy of Magistrates and Police Superintendents, but the general opinion seems to be, that the *system* is radically wrong, and that root and branch reform is necessary. The direction which such reform should take, and the necessary ways and means were clearly indicated both by Mr. D. J. McNeile and by Mr. Monro's Commission. The subject bristles with difficulties, and not the least of them is the question of funds. Government is apt, in these hard times, to look coldly upon any scheme which necessitates its putting its hand into its own pocket or into that of the tax-payer. But without increased expenditure there can be no increase of efficiency. Population, wages, and prices have all increased largely within the last decade, and what sufficed for the support of the chaukidar of 1845, is no longer enough for his descendant of 1888.

He is, perhaps, a little better clothed and more subject to discipline—of however slight a nature that discipline be—than were his predecessors. But the child is father of the man, and any difference between them lies merely on the surface. Not a crime is committed or concealed in any village, but the village chaukidar is still suspected of having a hand in it: he acts now as he did before as the servant of the Zemindar, or of the Panchayet as the case may be: he has to carry the baggage of, and dance attendance on, the officers of the regular Police, not only when they visit his village, but also when he makes his periodical visit to the thana: if there be rival factions in any village—and in what Bengali village are there not?—he is torn between them and subject to the constant complaints and false charges of the party with which he does not side: he drinks as much liquor as he can get: he is still the associate of thieves and dacoits, and is sunk in ignorance and vice. Such is even now, with occasional exceptions, the “backbone of the police system.”

*“Quis custodiet ipsos custodes?”*



In the report of Mr. Monro's Commission, the following fifteen distinct recommendations were made ;

*Para. 115\* of the Chaukidari Commission's Report.*

115. Summing up, therefore, we propose :—

(a). That there should be one uniform system of administration of the Village Watch in Bengal, certain modification of procedure being adopted when required by the circumstances of exceptional districts.

(b). That the system of payment of Chowkidars by lands should be abolished, all village watchmen being remunerated by wages paid in cash. Such lands to be resumed, and the rent of the same to form part of the assets for remuneration of the Chowkidar.

Note.—Mr. Westmacott dissents from this proposal.

assessing bodies, and ceasing to perform any duties with regard to the collection of rates, and payment of Chowkidars.

Note.—Mr. Westmacott dissents from this proposal.

(c). That the village Panchayet system should be continued, and, where necessary, extended, such Panchayets being employed as

(d). That the rates should be collected by Teshildars appointed by Magistrates, each thana being dividend into suitable circles or blocks for the purpose.

Note.—Mr. Westmacott dissents from this proposal.

(e). That Chowkidars should be paid through the Police from funds collected by Tehsildars.

(f). That every village in the province should be included within the jurisdiction of a Chowkidar, and should pay a proportionate share of the cost of such Chowkidar.

(g). That the village should be retained as the unit for determining the number of Chowkidars, and that unions of villages should only be permitted in the case of villages unable of themselves to maintain a Chowkidar.

(h). That the control of Panchayets over Chowkidars should be limited to supervision of their special duties as village watchmen in their villages, and to reporting them for misconduct ; and that, with the exception of nominating persons for the post of Chowkidar, Panchayets should have no power of punishing them, the final appointment and power of punishment of Chowkidars, including fine, suspension, and dismissal, resting with the Magistrate of the district.

(i). That the pay of Chowkidars should not be fixed by legislative enactment, but should be determined by the Local Government with reference to the circumstances of each district or division.

(j). That payment of wages should be quarterly, unless when it is possible to insist on monthly payments.

(k). That Chowkidars should attend as a rule once a week at the thana, local authorities fixing the times at which Chowkidars, at distant and inaccessible villages, should report themselves at the police station.

(l). That the powers of Chowkidars should, in certain respects, be increased, *i. e.*, that they may be employed beyond the limit of their villages, but not of their circle, for the purpose of escorting prisoners and assisting at house searches, and that they may be authorized to arrest out of village limits, persons suspected of having committed crimes, the occurrence of which they are bound to report.

(m). That both Panchayets and Chowkidars should be specially utilized for the purpose of securing accurate vital statistics.

Mr. Westmacott would give the increase of 25 per cent. to the Panchayets, and not spend it as proposed in these paragraphs.

(n). That for the purpose of carrying out the above changes, Panchayets should be competent to increase the amounts of assess-

ments beyond what is required for pay of Chowkidars by 25 instead of 15 per cent.

(*n*). That for the purpose of introducing the above system on a sound basis, a special officer should be employed in each district, so long as his services may be required, his salary being defrayed from the 25 per cent. additional assessment referred to above.

One of the members dissented from three of these recommendations, but as to the rest they were unanimous. The Government, however, only fully accepted one (*j*)—viz., that chaukidars should be paid quarterly. It was embodied in the revising Act I. B. C. of 1886, (revised Section 43). The duties of the Panchayat, as regards the collection of the tax and the payment of the chaukidar, were only conditionally modified by revised Sections 44, 46 A and 46 B of the amending Act, and not as recommended by the Commission in clauses (*d*) and (*e*). The recommendation in clause (*k*.) has recently been carried out by an executive order of the Inspector-General of Police, and that made in (*m*) has been indirectly effected by the revision of clause 6 of Section 39. These are, as already remarked, changes in details rather than in principle. They make no provision whatever for improving the *personnel* of the village Police, and no such improvement is possible until the principal recommendations of Mr. D. J. McNeile, or of the Commission are accepted in their entirety. That all Government officers and the special Intelligence Department recently organised by the Inspector-General of Police, (to the great indignation of Mr. Slagg, M. P., and Babu Surendra Nath Banerjee,) should be *practically* so largely dependent for information on the village chaukidars even of the present day, is an anomaly approaching the nature of the marvellous.

The recent legislation (Act I., B. C. 1886) has been all in the interests of the Zemindars and the Panchayats: beyond an effort to secure the more regular payment of the chaukidar, it has done nothing to improve his pay or position, or to raise his status. It has left him at the beck and call of the Panchayat as he was before, and has added to his already numerous duties, the collection of his pay, and the supply of any information which the Government may call for. As for the *chakran* chaukidars under Regulation XX of 1817, they should be swept away altogether as recommended by the Commission. They are still the servants of the Zemindars, and only liable to the one punishment of dismissal by the Magistrate. But this has no terrors for them; and in many cases no successor can be found, owing to the original *chakran* lands, having been diminished by the Zemindars or changed for lands of inferior quality. I cannot do better than conclude with quotations from

Mr. D. J. McNeile's "Report on the Village Watch of the Lower Provinces, 1886."

*Para. 49.* "The defects in the existing chowkidari system are radical defects inherent in the principles on which the criminal administration of the country is founded, and they are not, therefore, to be readily cured by any superficial treatment." The remedy he proposes (*para 52*) is "an organised subordinate *constabulary*, all its members being residents of the circles of villages within which they are employed," and he gives the draft of an Act by which this proposal could be carried into practice. After discussing an alternative remedy for improving the village watch, he concludes with these prophetic words :—

*Para 69.* "This report must nevertheless close with an expression of preference for the constabulary system, as being founded on more sound and consistent principles :—*principles which in course of time must inevitably be adopted, and which the Government is now quite as able to carry into effect as it will be when such a course shall be more urgently called for hereafter.*"

In the two reports above alluded to and quoted from, the Government has at its disposal all the information necessary to take immediate action.\* The diagnosis is complete: the remedy is known, and only awaits application. That no change in the direction indicated will be acceptable to the Zemindars is certain. It would, no doubt, diminish their influence in the Mofussil, and prevent their present frequent interference in Police matters. But there is no more reason why the existing blots should remain on the Police administration, than that the sanitary condition of Calcutta should be allowed to remain what it was 50 years ago. The problem is a nettle, which only requires a firm grip to rob it of its sting.

GEORGE TOYNBEE,

*District Magistrate of Hooghly.*

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\* Yes: there can be no doubt that the question is thoroughly ripe for action. No further Committees or Commissions are required. The amending Act of 1886 shirks the main issues, but it has done some good in bringing about a more punctual payment of salaries. - [E.D., C. R.]

## ART. II.—CHEAP VILLAGE SANITATION.

THE country is to be congratulated on the issue in July last of the Resolution of the Government of India regarding the practical application of sanitary principles to towns and villages in India. In the opinion of many, such a resolution might have issued with advantage ten or even twenty years ago. Those who know anything of the progress of sanitary reform in England are aware that sanitation was, to a great extent, forced on the people. Even at the present day there are villages in England where sanitary arrangements shock the tourist, and sanitary education is no more advanced than in a Bengal village. Democratic Governments have not waited until the people have risen *en masse* and howled for reform : much less should bureaucratic Governments sit with idle hands and await the Greek Kalends. These are matters in which it is admittedly the duty of Governments to act in advance of the opinion of the masses, and history has shown that the *vox populi* is more often *vox diaboli* than *vox Dei*. Sanitation is *par excellence* a branch of administration in which the State should act in accordance with the ideas of the most advanced and enlightened section of the community. Compulsory sanitation should certainly precede compulsory education, as life and physical health are of more importance than intellectual development. The *mens sana* can hardly exist without the *corpus sanum*. Cleanliness ranks next to godliness, and as the Government of India is debarred from teaching the latter, it should certainly do all in its power to enforce the former.

Now that the trumpet of the Government of India has given forth no uncertain sound, the *οἱ πολλοί* of the official world will no doubt follow like a flock of sheep, as has happened in the case of Local self-Government. But the views of high officials, even in the most recent past, have been, to say the least, most disappointing. With a little more courage and self-confidence, and less imitation and adoration of Griffiths "the safe man," much might have been achieved ; but hyper-caution has blocked the way. The Government of India states in its Resolution that, having regard to the difficulties which lay in the way, it does not admit that reasonable progress has not been made. There are certainly not a few individual officials who will join issue with the Government of India on this point ; and it would, perhaps, have been better to have frankly admitted that hitherto the State has not done all that it might have done. Not long ago Collectors of districts in Bengal were called on to

report on the feasibility of improving the sanitation of Government villages. The report of the majority was virtually a *non possumus*, which was concurred in by the Board of Revenue. It was seriously held that sanitation could make no headway, until the people had been thoroughly educated up to it: in other words, something may be possible when the number of persons who can read and write has risen from 3 per cent, to say over 50 per cent of the population! If such a doctrine had been followed in the past, where would have been the water-supply of Calcutta? In France and Italy sanitation was forced on the masses long before they were educated up to it, even if they can now be said to have become so. In England landlords considered it very hard at first that they were compelled to fulfil the duties and obligations of owners of private property: there are some who still consider it hard. The comparatively recent Public Health Act was not a boon conferred on a people who had raised one simultaneous demand for such a measure. The educated and enlightened few knew the measure was called for, and they had the courage of their opinions, and imposed it on the country.

•The object of the present essay is to point out how much may be done with little or no expenditure. The Government of India Resolution states that it may be necessary to have recourse to loans, to additional taxation, and to Provincial or Imperial grants-in-aid of local resources. Such a policy will be hailed with satisfaction by all advocates of sanitary reform, but in the meanwhile much may be done without the expenditure of a single pice, and there is no reason why a day should be lost. The action of executive officers can improve village sanitation in numerous simple ways and directions:

#### *Obstruction to navigable streams and drainage-channels.*

This is a crying evil, which probably exists to a greater or lesser extent in every district in Bengal. In and after the rainy season, khals of considerable size are frequently closed, or almost closed by means of *bunds*, *bandels*, *aras*, *pyries*, &c. Sometimes the object is the capture of a few rupees worth of fish, sometimes it is to raise the level of the water to facilitate irrigation. Cases arising out of these obstructions often come into the Criminal Courts, and it is to be feared that, in the case of some officers, a false and exaggerated idea of private rights, and a morbid timidity as regards interference with them, prevents the proper administration of the law. Section 431 of the Penal Code enacts that "whoever commits mischief by doing any act which renders, or which he knows to be likely to render, any public road, bridge, navigable river, or navigable channel, natural or artificial, impassable or less safe

for travelling or conveying property, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both." Again, by sec. 432 the same punishment is imposed on "whoever commits mischief by doing any act which causes, or which he knows to be likely to cause, an inundation or an obstruction to any public drainage attended with injury or damage." The heinousness of such offences in the eyes of the Legislature may be inferred from the maximum punishment which may be awarded. Where mischief cannot be proved, the acts may be offences under secs. 268 and 283 of the Penal Code. But there can generally be no difficulty in proving mischief. It has been held (6, W. R. Cr. 59), that 'means' in themselves lawful may be 'unlawful' because of their tendency to injure others. In this case it was held that the levelling, partial filling up, and cultivating of a watercourse by the accused over his own lands, which watercourse conveyed water to the lands of the prosecution, was an offence under sec. 430 P. C. In another case (I. L. R. 1 Mad. 262) under the same section it was held by a Madras Full Bench, that it is not necessary that the act of the accused should be a mere wanton act of waste. It is sufficient that the act is done without any show of right. The Magistrate who made the reference in the case, remarked—"I understand the section to be aimed at a wanton waste made with intent to injure, and not at disputes between individuals as to whether one should have more and the other less of a given quantity. These latter, though constantly the subject of magisterial inquiries, lie, I consider, altogether in the Civil Courts." The High Court remarked: "We do not agree in these general observations . . . The intent to cause wrongful loss is properly held to be such, when the taker of the water takes it without any sort of right, and it matters not that he claims to set up such a right, *if the facts are so clear that the claim is manifestly only an additional wrong*. It is for judicial tact to distinguish where the case is sufficiently doubtful to prevent the inference of a wrong intent." In the section relating to criminal trespass, (441) we have only the words "with intent to," but in the definition of mischief we have the words "with intent to, or knowing that he is likely to;" and this phrase is the Penal Code equivalent of the English maxim that "every man is presumed to intend the probable consequences of his acts." District and Sub-divisional Magistrates, then, should rigorously prevent any obstruction to navigable channels or public drainage. If a close and comprehensive inquiry be made into any claim to erect a bund across such a channel for purposes of irrigation, it will be found that the proportion of persons injured to those bene-

fited by the bund, is as 10 to 1, and more often 100 to 1. Sometimes a prescriptive right to obstruct a stream is put forward; but the fact that any persons are in a position to put forward such a claim is due to the ignorance and laches of magistrates in the past. It is well known to any lawyer that no length of enjoyment can legalize a public nuisance.\* Where acts distinctly fall within specific sections of the Penal Code, they should be punished, and in such cases it is a waste of time to proceed under the Code of Criminal Procedure. Many comparatively unimportant nuisances—the mint, anise, and cummin of sanitation—are rigorously, even mercilessly, prosecuted under municipal laws and bye-laws; but the weightier matters of the law are omitted. The graver nuisances, which affect the life and health of the people, the atmosphere they breathe, the food they drink and consume, are left untouched.

The bunding up khals and drainage-channels not only causes inundation, water-logging of the soil, and obstruction of drainage, but the principal evil result is the injury inflicted on the health of the people. The surface soil is saturated with moisture, and the backing up of the water in a stagnant sheet promotes the growth of noxious weeds and plants. The obstruction of a single khal has resulted in the literal quinquination of large areas by malaria and its multiform complications and Protean sequelæ. For a Magistrate to permit, even temporarily, the bunding up of a navigable channel, is in a manner to abet the offence. Such action, on the principle of the greatest good of the greatest number, is indefensible. The Regulations *passim* show the importance attached by the Legislature to the free and unobstructed navigation of navigable channels. Sanitary Commissioners have again and again traced disease to such obstructions; but apart from this aspect of the question, it is unfair and oppressive to the agricultural community from another point of view, as it prevents them from purchasing their commodities as cheaply as they otherwise might do. There was recently a signal instance of this in the district of Rajshahye, where the writer is now serving. A man owns a Bazar at the junction of a navigable khal with a river; the khal is twelve miles long, with many villages on its banks. If the boats of petty traders could go down this khal, obviously the villagers could get commodities cheaper at their very doors. It was the object of the bazar-owner to prevent boats

\* Sec. 7, B. L. R. 477. In this case the Judges referred to the remark of Lord Tenterden in *Rex v. Cross* (2 C. and P. 284): "The license will not entitle the defendant to continue the business one hour after it becomes a public nuisance to the neighbourhood."

going down the khal, so that the villagers should be compelled to resort to his bazar, or at any rate, that the shopkeepers in such villages should have to come to his bazar for their supplies. Some villagers, about two miles down the khal, petitioned to be allowed to throw a bund across for the purpose of irrigation. Possibly they might have benefited by the bund, but there was good reason to believe that the request emanated from the owner of the bazar at the junction of the khal and the river: certainly he abetted the request, and paid legal practitioners to go to the spot on the occasion of a local investigation by the Magistrate. From every point of view Magistrates should enforce the law which forbids the obstruction of navigable \* channels and public drainage.

*Performance of the offices of nature.*

We may infer from works, such as the Mahabharata that in the times described therein, sanitation was by no means neglected. The villager is directed to go to the extremity of the village, there to shoot an arrow, and to perform the offices of nature beyond the point at which the arrow falls. What could be more simple and yet more effectual? The setting apart of one or more open spaces, to which people may resort for natural purposes, is mentioned in paragraph 14 of the Resolution of the Government of India. The enforcement of such a rule may possibly require legislation, but the law, once made, will be obeyed. In small villages the *purdah-nishin* question will not stand in the way, as women of the highest classes go outside, and resort to tanks for bathing; but in very large villages, as in towns, a scavenging staff would of course be required. This, however, would be an expense only to such as are able to afford it: and even if the payment will come a little heavy on some, they will be in no worse position than many poor people, who live within the limits of Municipalities, and have to pay the service-fees leviable under Part IX. of Act III. 1884, B. C. It has been suggested by some officers that Domes and other scavenging castes should be induced to settle down in the vicinity of large villages, and the idea is one well worthy of a trial.

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\* The Regulations prescribe free navigation. There is a ruling (9 C. L. R. 277) that there is nothing illegal or contrary to public policy in the levy by riparian owners of "kontagara," or a charge imposed on boatmen for mooring their boats to a river-bank by driving pegs therein. This ruling seems to be unsound, and is certainly opposed both to statute and case law. See Reg. IX, 1825, sec 7; Reg. XI, 1825, sec 5, &c; 1. L. R. 2 Bom. 19; Calc. S. D. A. Rep. 1859, p. 1359; 6 Moore's I. A. 26. To those who have lived in the vicinity of large rivers, the ruling seems indefensible. It is certainly opposed to the prevailing custom.



The objection that the habits of such castes are unclean, and that the villagers would not relish their close contiguity, will probably be found in practice to be more sentimental than real.

*Tanks for drinking and cooking water.*

It should be considered as the very alphabet of sanitation, that no tank used for supplying water for domestic purposes should ever be used for bathing, or for watering animals. In Bengal there can be little difficulty in this matter. A frequent complaint is, that there are too many tanks, and not too few, and it can be no hardship to insist on bathers confining themselves to some particular tank or tanks. Sec. 90 of the Bengal Local Self-Government Act enacts that "The District Board may, by an order duly published at such places, and in such manner as it may deem fit, set apart convenient tanks, parts of rivers, streams, or channels, situated within the district, and *not being private property*, or under the control of any officer of the Government, for the supply of water for drinking and for ordinary purposes; and from the date of publication of such order, such tanks, parts of rivers, streams, or channels shall be held to be public springs or reservoirs." The words we have italicised may be held by some to necessitate legislation, as nearly all tanks in the mofussil are excavated by private persons on their own lands. But as a matter of fact they are generally dedicated to the use of the public, and in any case they virtually become public tanks by long user. If villagers enjoy an easement to bathe in and take water from a tank, their proprietary right appears to be almost, if not quite, as great as that of the owner. Where Zemindars, traders, and other rich persons have built tanks expressly for the public, and have not reserved to themselves, or as a matter of fact, have not enjoyed any special rights therein, it seems reasonable that they should be treated as public tanks. Could the owner voluntarily corrupt or foul the water without rendering himself liable to prosecution? Clearly not. Probably sec. 277 of the Penal Code would apply, but even if it were contended that the words "*public spring or reservoir*" would exclude its application, certainly sec. 268 would be applicable, as the act would necessarily cause injury or annoyance to the villagers, who have a right to use the water of the tank. Notwithstanding this, it is probable that any attempts by District Boards to set apart tanks for drinking and culinary purposes will be met by shrieks from the owners for compensation. A Law Officer of the Crown now serving in India has remarked, that there is no part of India where Government officers are more exposed to attack by civil litigation than in Bengal, and where the Civil Courts are more disposed to exalt the rights

of individuals at the expense of Government and its officers I would add that it is not only at the expense of Government and its officers. All over the country private rights are exaggerated at the expense of public rights, for the simple reason that there has been no one to urge the public rights in the courts. District Boards and Municipal Commissioners are now reaping the fruits of this grotesque exaggeration of private rights. By sec. 30 of the Bengal Municipal Act, III of 1884, B.C., "all roads, bridges, tanks, ghats, wells, channels, and drains, in any Municipality (not being private property, and not being maintained by Government or at the public expense) shall vest in, and belong to the Commissioners." By sec. 198 of the same Act "all streams, channels, water-courses, tanks, reservoirs, springs, and wells, not being private property, shall, for the purposes of this Act, be under the direction and control of the Commissioners." Sec. 199 confers on Municipal Commissioners the same powers as regards setting apart tanks, as are conferred on District Boards in the Local Self-Government Act. Still Municipalities appear to be tied hand and foot when they want to take action. It has often happened that when a Municipality or a Road Cess Committee have determined to put into good order some road or village-way which has existed from beyond the memory of the oldest inhabitant, they are met by preposterous and extravagant claims for compensation, and—*miserable dictu!*—the tax-payer has sometimes been robbed in order to pay them! Of course, there are numbers of roads within the ambit of Zemindaris, which were in existence long before the passing of any Land Acquisition Act; but what may have at one time been private property, has by the lapse of time and circumstances, become public property: at least, it is subject to public rights in such a way, that it is virtually public property. I have made these remarks at length, as I am endeavouring to show what sanitary improvements may be effected without expense to Government or the tax-payer. If Zemindars claim private property in tanks, then, as is pointed out in the Resolution, they must be compelled to perform the duties of private owners of property.

#### *Cattle droppings.*

The question of cow-dung heaps affects almost everybody, for it must be remembered that the substance is collected by many persons who do not own cattle. It is made into cakes and used as fuel: it is used for smearing (*leaping*) the walls of houses; it is burnt at night to keep away mosquitoes both from the cattle and the inmates of the dwelling: and finally

it is used as manure for the fields. In the Government of India Resolution it is stated that no cattle should ever be kept in small compounds. "Besides the constant danger to health inseparable from the practice, it ensures rapid pollution of the subsoil, augments the difficulty of cleansing, and fouls the well water." In the portion of the Resolution which deals with the sanitary improvement of villages, it is suggested that the village officer should call the attention of the people to the necessity for removing cattle outside their compounds. Some provision, it is said, might be made for stalling them outside the village, but, at any rate, it would be far safer to have a cattle-pen on some open ground within the village, than to keep cattle inside the houses. Cattle must, of course, be protected from the elements, and the difficulties connected with their removal outside the village seem to be very great, if not almost insuperable. A joint cattle-shed would have to be constructed for the whole village, and this would require co-operation and expenditure of money. But as regards the heaps of stercoraceous matter, there seems to be no reason why they should not be stacked and kept on some waste site outside the village. It has been objected that such a practice would be inconvenient, would lead to disputes, and would place the substance at the mercy of thieves. This last objection is almost ludicrous. Those who urge it have probably been struck by the assiduous and even greedy way in which old women scrape up the last morsel, as if they were gathering golden nuggets. But probably the substance has no attraction for thieves: it would surely be more worth their while to steal crops, branches of trees, fruit, &c. Moreover, there is nothing to prevent the substance from being stolen from open compounds attached to houses, where it is now kept. These heaps might then be kept outside the village, and each man would easily know his own. As to stalling cattle outside the village, this is doubtless a desideratum, but it does not appear to fall within the category of inexpensive sanitation. I have alluded above to the practice of "leaping" the walls and floors of houses. Some sanitary authorities think it must be injurious to health, but more evidence is required on this point; and certainly it will be difficult to persuade the Hindu housewife to abandon the practice, which she considers to be the *sine qua non* of cleanliness. The deleterious results of this practice (if on inquiry they are really found to be deleterious) may be perspicuously pointed out in the next edition of the sanitary science primer. The issue of a moral text-book should certainly go hand in hand with the promulgation of a revised sanitary primer.

*Sleeping above the ground.*

There are some who have doubted whether the virulent Burdwan fever was really malarial. It resembles, in many points, the notorious Italian fever, which was so fatal some years ago. The Pontine marsh fever is of course malarial and is said to yield to quinine. But the fever now spoken of prevailed all over the plains of Italy, and was the subject of a special report to the Italian Government by the Professor of Hygiene in the University of Rome. After an exhaustive inquiry, the Professor found the cause of fever to be a sort of ferment that rose from the soil and floated in the air to a height of ten feet above the ground. It is difficult for a lay mind to distinguish between a malarious miasma and a non-malarious ferment. But experts made the distinction, and it was found that this non-malarial fever did not yield to quinine, but that there were four specifics for it: (1) lime juice; (2) arsenical mixture; (3) sleeping ten feet above the ground; (4) paving the ground or covering naked soil with grass or turf. Two at least of these specifics were discovered from the peasants themselves, namely, the planting of limes, and sleeping above the ground. Peasants, who had not two-storied houses, were in the habit of taking advantage of the ruined columns and temples scattered over the country. They used to sling bamboo platforms from one piece of ruin to another and sleep on them. Curious to say, this fever was not found in the cities, which are paved and covered with buildings. In Bengal, with the exception of the year 1886, fever has been found to be more fatal in the urban than the rural circles; but Bengal towns are collections of villages with plenty of naked soil. Now sleeping in two storied houses is a luxury which in Bengal can only be enjoyed by the rich, and therefore does not fall within the resources of cheap and feasible sanitation; but there is no reason why even the very poorest should not sleep above the ground. The sanitary primer might recommend the construction of houses on piles, as in Burmah, but that may be considered an heroic and revolutionary remedy. What everybody can do is to sleep on the humble "charpai" or charpoy, which costs from four to eight annas. A wooden "taktaposh," made of mango wood, and large enough for three people to sleep on, can in some districts be constructed for two rupees: but the string charpoy would positively not cost more than two annas in some districts, and as a matter of fact, charpoys exist in almost every house, though they may not be used for sleeping on. The people say they prefer to sleep on the ground, as it is cooler, and no doubt it is; but the habit must be a most prolific source of fever. You can hardly compel people by

law to sleep above the ground, but here, again, that panacea for all ills, education, comes in. Instead of printing in school copy-books such texts as "look before you leap," "honesty is the best policy," or "procrastination is the thief of time," we might have "obstruction of drainage is injurious to health," "sleeping on the ground produces fever," or "stercoraceous heaps should not be kept near houses."

Surface levelling and paving, surface-drainage of the village site, and planting of certain kinds of trees on damp soil to dry it and purify the air, can hardly be called sanitation which costs nothing, unless the village proprietor can be forced to do these things as is indicated in the Government Resolution. But numerous nuisances, from which Mofussil villagers suffer, may be prevented, suppressed, or minimized by the simple remedy of a proper administration of the existing criminal law.

### *Suppression of Common Nuisances.*

It has been remarked that there is no country in the world where people suffer more than in Bengal from the commission of nuisances by their neighbours. And yet in no country is the criminal law on the subject less enforced. Chapter XIV of the Indian Penal Code is, and was intended to be extremely comprehensive, and yet the action, or rather inaction, of Magistrates frequently compel injured persons to go to the Civil Court, though they are entitled to the cheaper and speedier remedy of the Criminal Court. It is no kindness to drive people to the Civil Courts, and the tendency of some Magistrates to saddle the Civil Courts with matters that fall within magisterial cognizance has gone much too far. It is unfair to the people, and a burden to the already over-worked Munsifs. There is a deep-rooted but most erroneous fallacy that there is something harsh in dealing with ordinary nuisances under the Penal Code, and it is high time that this fallacy were thoroughly exploded. It is impossible to drive home this subject as closely as could be desired within the limits of this article.

"Longa est injuria, longæ  
Ambages, sed summa sequar fastigia rerum."

The "*summa fastigia*" are that these prosecutions are *criminal in form only*,\* and that the case-law of the Calcutta

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\* See *R. v. Stephens*, 1 L. R., Q. B. 203 which carries very far the doctrine of the criminal responsibility of a master for the acts of his servant or agent. In this case a master was held liable for a nuisance, although such nuisance was committed in opposition to his orders, and without his knowledge, the proceedings by indictment in such case being *criminal in form only*. No Indian Magistrate would have convicted the master in such a case. See also *Coleman v. Riches*, 16 C. B. 118, *Attorney-General v. Siddons*, 1 C. and J., 220, and 8 Vict. c. 20, ss. 98, 99.

High Court has, in some points, prevented the proper administration of Chapter XIV of the Penal Code. Sir R. K. Wilson, Reader in Indian Law to the University of Cambridge, thinks that the Indian law is the same as the English law. He says: "The section (sec. 268 P. C.) speaks of causing, &c. by *illegal omission* (and these words might, under s. 32, have been implied, if not expressed); 'illegal' includes anything which furnishes ground for a civil action (s. 43). *There is the less hardship in this, as the penalty for a simple nuisance is fine only.*" In these words which I have italicised the right nail is knocked on the head. Numbers of poor people are altogether debarred from going to the civil court, and the public in villages have not as yet acquired a sufficient power of combination to proceed against well-to-do men; and, as those who have lived in the mofussil know, it is these leading well-to-do men who are the chief sinners in the shape of stinking drains, encroachment on public ways, &c. Moreover, whether the proceedings be civil or criminal, the result is a pecuniary penalty. In the Criminal Court the accused might have to pay his adversary's court-fee of eight annas: in the Civil Court, he must pay his costs,  $7\frac{1}{2}$  per cent. *ad valorem* plaint fee, pleader's fees, &c. Wherein, then, lies the hardship of enforcing the criminal law? Some rulings of the Calcutta High Court,\* under Section 133 of the Criminal Procedure Code, have intensified the evil. It is an undoubted fact that no man can be a really good criminal lawyer or judge unless he is something also of a criminal jurist. To anyone who knows anything of comparative criminal law it is at once obvious that these ordinary nuisances, for which the maximum fine under the Indian Penal Code is Rs. 200, resemble in their incidents the "contraventions" of Continental Codes. Sometimes there is a separate code of contraventions, but they are generally located at the end of the Penal

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\* In a recent case (I. L. R. 15 Calc. 564) a considerable turn has been given to the drift of the previous rulings, and it is probable that the rulings will now veer round to what is really the correct law, namely, the intention of the Legislature. Pigot, J., somewhat unhappily and arbitrarily starts his judgment by an allusion to the jurisdiction of Justices in England. But, in the matter of the prevention and suppression of nuisances, the jurisdiction of Indian Magistrates more nearly resembles the jurisdiction of the superior Courts in England. Even this judgment of Justices Prinsep and Pigot, though a departure in the right direction from previous rulings, shows signs of half-heartedness. Pigot, J., speaks of the "scrupulous respect" due to private rights. But surely public rights are no less, if not more, entitled, to "scrupulous respect," and certainly they require more protection in Bengal than the rights of private owners of property, who not only are well able to take care of themselves, but exaggerate their rights in a manner that is farcical.

Code after crimes and delicts. To such contraventions the maxim "*actus non facit reum, nisi mens sit rea*" does not apply. In the case of *Cundy v. Lezcoq* (13 Q. B. D., 207) Stephen, J. remarked: "It is impossible now to apply the maxim generally to all statutes, and it is necessary to look at the object of each act to see whether, and how far, knowledge is of the essence of the offence created." *Animus* or criminal intention is not considered in the case of contraventions: the punishment is simply regulated by the nature of the act and its results. The Court of Cassation has ruled \* that, in the case of contraventions, even good faith cannot be urged as an excuse. In one case † it was ruled that if a chimney can be observed from outside to be on fire, such fact alone is sufficient for a conviction, even though it be proved that the chimney has, in accordance with the usage of the neighbourhood, been swept twice in the year. Now the comprehensive language of the Penal Code ‡ is as follows: "A person is guilty of a public nuisance who does any act, or is guilty of an illegal omission, which causes any common injury, danger, or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any *public right*." Now if the Magistrate can decide on the existence of a public right in a prosecution under the Penal Code, *a fortiori* he can do so in a proceeding under Section 133 of the Code of Criminal Procedure. There can be no doubt that convictions under the Penal Code might have been lawfully sustained in many cases in which proceedings under the Code of Criminal Procedure have been quashed. It is difficult to understand the object with which one of the learned judges, in the case above referred to, remarks that "it is a rule of English law that a *bona fide* claim of title ousts the jurisdiction of justices proceedings in a summary way." An Indian Magistrate is not a Justice of the Peace in England. An Indian Magistrate has to decide, for the purposes of the case, a question of right or title in every mischief case that comes before him, "wrongful loss" being loss by unlawful means of property to which the person losing it is *legally entitled*. It matters not that a man may claim, as lying within the ambit of his *Zemindari* or land, a path leading to a ghat or hât. If the public †

\* Cass. 22nd Feb. and 5th Dec. 1863; 2nd Jan. 1864, &c.

† Cass. 13th Oct 1849.

‡ Sec. 268.

‡ The word 'public' includes any class of the public or any community, sec. 12, Penal Code. Even under the former Code, in which the word thoroughfare was used, it was held that, although a road may be a private one, an order may be made under the section, if it

have a right to use the path, or to bathe in the water of a tank, it is an offence to obstruct the path, or to prevent them from so bathing. The words used in sec. 133 of the Code of Criminal Procedure are—"any way which is or may be lawfully used by the public," and a right of way may be either *iter* (foot-way and bridle-way), *actus* (drift-way for cattle), or *via* (way for carriages, &c.) It is very necessary, in the interests of health, that the constant lessening of the width of roads which is now going on, should be put a stop to. The spirit of encroachment in the mofussil is very strong, and therefore measures to put a stop to it should be proportionately strong. By Reg. XX of 1817, sec. 30, para. 5, "the Darogahs (now Sub-Inspectors) of Police *shall prevent* all encroachments on the public roads, and shall, at the same time, report the circumstances of each case for the information of the Magistrate." The Penal Code is more than adequate for the purpose, if its provisions are not permitted to be a dead letter. The only question is whether, as a matter of fact, there is a public right of way, and not whether the accused, or the person proceeded against under the Code of Criminal Procedure, *bonâ fide* claims the road or a part of it. If it were otherwise, the public might be without any redress whatever, but would be tossed about like a shuttlecock between the battledores of the Magistrate and the Munsif; for the Magistrate would say: "there being a *bonâ fide* claim of title, you must go to the Civil Court," and the Civil Court would say: "no suit lies here without proof of special injury, and you are not injured any more than any body else." This is, indeed, a pretty dead lock, from which we can only be extricated by the Legislature, or that still more "rara avis," a Full Bench, the hope of which, long-deferred, maketh sick the Magisterial heart.

The last cheap remedy is the diffusion of sanitary knowledge by means of a sanitary primer. Communal forced labour appears an obvious remedy to a Native ruler, but probably the country is now too advanced for it, though it is still authorized by law in the Madras Presidency. However, villagers will often co-operate and work for themselves, when there is some influential spirit to move them. The influence of the village heads, whether known as Pradhans, Matabars, Munduls, Mocuddums, Jyt ryots, &c. has disappeared, as Young Bengal feels itself superior to them in education and enlightenment. The educated community invariably splits up into rival and bitterly hostile parties, known as *dola dolees*, and it is necessary now that Government agency should step in.

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appears that sec. 147 applies to it—that is, if it is open to the use of a certain class of persons, for instance, a path to a bathing-ghât used by females only. 17 W. R. Cr. 33.



It will be interesting now to note the mortality of the Province, the most fatal diseases, and the principal causes of such diseases as ascertained by sanitary authorities, with the view of seeing how far such causes are met by the cheap remedies enumerated above. The recorded death-rate of the Province in 1886 was 21·99 per thousand of the population as follows :— \*

Cholera	...	...	...	1·78
Small-pox	...	...	...	·06
Fevers	...	...	...	15·97
Bowel-complaints	...	...	...	·84
Injury	...	...	...	·43
Other causes	...	...	...	2·88
				<hr/>
				21 99

### *Cholera.*

In Urban circles 9,935 persons fell victims to cholera, or 4·12 per 1,000 of population, and in Rural circles 108,433 persons or 1·70 per 1,000. Wherever there was a severe outbreak of the disease, all or almost all the usual insanitary conditions were found to exist more or less, namely, filth, foul air, impure water, ill-constructed or ill-ventilated homesteads, and unwholesome and insufficient diet ; but several outbreaks were clearly traced solely to the use of impure water for drinking and culinary purposes. That even the educated portion of the community have not yet fully realised the benefits of pure water-supply, is evident from the fact, that the Commissioners of Baraset when asked to set aside certain tanks for drinking, urged that "bathing was as necessary as drinking." This apathy is remarkable, when it is remembered what most village tanks are. The following somewhat exaggerated, but not altogether inaccurate description has been given of "a good tank" : "its catchment area is fouled with all manner of filth, which the first rain carries into it. Bodies, even of those who have died of small-pox or cholera, are too often burnt on its banks. The persons and clothes of the village population, and everything else which is dirty, are constantly washed in it. Cattle stand and wallow in it. And the fierce hot winds of April and May raise clouds of dust, full of all organic impurities, which are precipitated into the tank. By the end of the dry weather, the water left would yield an analysis which would make Dr. Franklin's hair stand on end with horror." In fact the drop of Thames water, which some of us have perhaps seen magnified by scientific persons at the Polytechnic, might, as compared with it, be called

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\* The death-rate of the European army in India is under 11 per 1,000, of the Native army, under 12 per 1,000.

*"aqua pura et pellucida."* The connection between cholera and water-supply has been demonstrated in many instances, and the first step towards the mitigation of cholera, is the provision of a purer water-supply, by insisting on the separation of tanks for drinking water from those for bathing and watering animals. The Bengalees prefer tanks to wells, and the recommendation of the Army Sanitary Commission that wells should be roofed over, is one that will not be acceptable to the Bengali villager, who thinks that the surface of the water should be exposed to as much sun and air as possible.

### *Fever.*

For the people of Bengal the etiology of fever appears to be of more importance than that of cholera. The total recorded mortality from fever during 1886 was no less than 1,057,296, or 15·97 of the population. These figures mean an actual death-rate of at least twenty per thousand. The proportion in Bengal proper (that is, excluding Behar, Orissa, and Chota Nagpore) was 17·15 per 1,000. The following is an extract from the Government Resolution on the report of the Sanitary Commissioner for Bengal for 1886: "The district reports repeat the same melancholy story of weakness, anæmia, enlarged spleen and liver, debilitated constitutions, pulmonary and enteric complications, and other sequelæ; and among the causes assigned are dense jungle, imperfect drainage, rank vegetation, bad water-supply, silting up of *beels* and tanks, water-logged soil, burial of dead within homesteads, vicissitudes of temperature, general uncleanness, insufficient clothing, poor food, damp and improperly constructed houses." This is a long list, but the principal causes are met by the remedies mentioned above. Imperfect drainage and rank jungle in the vicinity of homesteads would appear from the district reports to be the most potent causes of fever. Of the areas which return the highest death-rates, those in Bancoorah are "low-lying, swampy, have imperfect drainage, and abound in low dense jungle. Gunja-julghati and Sonamukhi, where also the suffering was great, have more or less obstructed drainage from various causes." The worst area in Beerbhoom is "a low-lying, alluvial tract with many undrained *beels*, and its water-supply is bad." In the worst municipality in Hooghly, "the town is literally covered with mango-topes, and abounds in rank vegetation, and the Suressutti Khal, the water of which is used by a portion of the people, is obstructed by dams." The greater part of the 24-Pergunnahs district "is water-logged, and the excessive dampness of the soil resulting therefrom, gives rise to considerable sickness in the form of malarial fever and bowel-complaints." The Nawal river in the Dum-Dum sub-division is

now "a long depression of bunded tanks, reaches of still water, and swamps covered with alternately growing and decaying vegetation, creating a malarious condition of the atmosphere, which has a most deleterious effect on the health of the people." The greatest mortality from fever has occurred in the Rajshahye Division. The following death-rates from fever, which exceed the death-rates from all causes in English towns, will probably startle English readers and are worth recording :—

Rates per <i>mille</i> in 1886.		Rates per <i>mille</i> in 1886.	
Jalpaigori	... 31·01	Dinagepur	... 23·92.
Pubna	... 27·68	Bogra	... 22·21.
Rungpore	... 27·12	Darjeeling	... 16·35.
Rajshahye	... 24·86		

To what are these appalling death-rates due? In Rajshahye they are due to the construction of fishing weirs in small rivers and khals, and to imperfect and obstructed drainage all over the district. The fever-stricken areas in Rungpur "represent depressed basins between the rivers with an intermediate system of tributaries more or less choked, silted and communicating with a number of *beels* which they insufficiently drain." The worst areas in Bogra "are very damp and full of dense jungle?" The death-rate of two whole Thanas in Pubna District actually exceeded 30 per thousand, and in the town of Serajgunge actually reached the terrible figure of 37·93! This means a death-rate from all causes of between 50 and 60 per thousand! It was found that in the open unshaded coolie lines with good pukka wells, the health of the operatives was good: those who suffered "lived in the villages, overgrown with jungle, riddled with pits and excavations, and badly drained, using kutcha wells, and burying their dead within their homesteads." In Eastern Bengal an additional cause of fever is the steeping of jute in rivers. As regards Behar, the only district in which the mortality from fever was very high was Shahabad, with a death-rate of 29·20 per thousand, making it the second worst district in the Province. The mortality is at once accounted for by the numerous irrigation canals and distributaries all over the district. The canals raise the subsoil water-level, and bring the water to the surface, while the bunds and distributaries obstruct the natural drainage all over the country. Potent causes of fever, then, are a damp or water-logged soil, obstructed drainage, and rank and noxious jungle near the homesteads. Remedies for these evils lie, to a great extent, in the hands of Magistrates in the shape of the administration of the Penal Code. Notices to cut down rank jungle or noxious vegetation are justified by sec. 143 of the Code of Criminal

Procedure (read with sec. 290, Penal Code,) if the Magistrate "is satisfied that such jungle or vegetation constitutes a nuisance." As soon as a systematic attempt is made to improve village sanitation, Magistrates will awake to a sense of their powers and responsibilities: at present they are either unaware of their powers, or they think it useless to exercise them.

There remains only small-pox of the diseases which commit the greatest havoc, and in this case the remedy is conspicuous for its naked simplicity. The course open to the Government seems to be obvious.

### *Prevention and Mitigation of Small-pox.*

The great decrease in mortality from small-pox has been due to the extension of vaccination, and it, therefore, only remains to extend the system still further, which can be done by a single stroke of the administrative pen. The recorded number of deaths from small-pox, which had decreased from 18,533 in 1884, to 9,863 in 1885, showed a still further fall in 1886 to 4,049. This is the smallest number yet recorded, the mean average of the decade 1876-85 being 15,317. Inoculation has been prohibited almost everywhere, and it seems to me that if the Act prohibiting inoculation is enforced in any district, the extension of the Compulsory Vaccination Act should be regarded as a necessary corollary. But this has not been the case. The Compulsory Vaccination Act, V (B. C.) of 1880, is now in force in 114 towns, four cantonments, and nine rural areas; Act IV. (B. C.) of 1865, prohibiting inoculation, is in force everywhere with the exception of seven districts and certain Thanas of three other districts. That the decrease of mortality is due to the extension of vaccination seems apparent, from the fact that in 1886 fifty-five per cent. of the total mortality occurred in the seven districts of the Patna Division, to only two of which has vaccination yet been extended.

It is remarked in the Resolution of the Government of India that "the great feature of Indian rural life is immobility of custom, upon which novel ideas make but little impression." There is, perhaps, a tendency to exaggerate this immobility even in agricultural areas. That the cultivators have not yet adopted any of the ploughs recommended by the Agricultural Department is simply due to the fact, that for cheapness, lightness, and usefulness, no plough has as yet been turned out which is equal to the native plough. On the other hand, it was found that the sugar-cane mills of Messrs. Thompson and Mylne of Beheca resulted in a great saving of juice, and the use of these mills is spreading all over the Province. There are no obstacles which cannot be surmounted by the personal

influence and energy of good executive officers ; *si monumentum requiris*, witness the success which attended the efforts of the District Magistrate of Backergunge and the Sub-divisional officer of Perozepore\*, in spite of the fanatical opposition of the Mahomedan Ferazees. Some *Futwas*, declaring the lawfulness of vaccination, were obtained from several of the most influential Maulvis in the district, and at once conscientious scruples were quieted, and opposition disappeared. The demands of caste in different places are as variable as the hues of the chameleon : caste is often stiff or pliant, unyielding or accommodating, according to circumstances, and certainly it is a marvellous sort of hydra, many heads of which can be lopped off without destroying its entire vitality. The fact is that natives seem sometimes not to know whether their caste permits them to do a certain act. In the Bhagulpore Municipality some Hindoos objected to be operated on by Mahomedan vaccinators. Whether the objection was *bonâ fide*, or merely frivolous and obstructive, it is not easy to say : but it certainly disappeared, to a great extent, on Babu Hari Mohon Thakoor, a resident of the place, and a high caste Brahmin, allowing his family and dependents to be vaccinated by a Mahomedan. In Behar the staunchest opponents are Babhans and Rajpoots, and their opposition generally disappears on appointing as vaccinators the old inoculators who are known to the people. In fact, it is always advisable and certainly just to take on the existing inoculators as vaccinators, as much of the opposition naturally comes from men who find their occupation gone. Even in the Orissa circle, where opposition has perhaps been as keen as in Eastern Bengal, many have exhibited an eagerness to receive the prophylactic. It is a noteworthy fact that the despised and much-abused village chokedars have, in several districts, given important aid to the cause of vaccination, by giving shelter to the vaccinators when they could not get it elsewhere, and having their own children vaccinated first as an inducement to others. As regards the levy by vaccinators of higher fees than are authorized by the rules, no doubt some instances have occurred ; but they are the exceptions and not the rule. This seems apparent from the extreme difficulty experienced in realizing even the authorized fees : some vaccinators have actually had to give up practising on this account. In many districts, but for the help given by the Civil authorities and the Police, the fees would not be realized : in other places, where the Police declined to

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\* The late Mr. Fasson, and Babu Shoshi Shekhur Dutt, the hero of the Tangail cases. If this is "Soshisekhurism," a little more of it, some may say, would not be a bad thing for the country.

render any assistance, the vaccinators had to forego their fees. An Act to amend the Vaccination Act was passed last year as Act II, (B. C.,) of 1887. This Act, while giving larger powers, contains adequate provisions for check and inspection, and the Sanitary Commissioner will no doubt notice the results of its working in his report for the past year. The general results of the past certainly constitute strong grounds for a considerable extension of the circle of compulsory vaccination ; and such a measure will, undoubtedly, reduce still further the mortality from small-pox.

### *An Organized Sanitary Service.*

This article would be incomplete without a few remarks as to the necessity for having an organized sanitary service. Though such a service must cost something, it need not cost very much. Possibly the village Chokidari Act might be amended into a "Village Police and Sanitation Act." The assessment would have to be raised to cover the salaries of scavengers, and the expense (except that of inspecting officers) would fall entirely on the people. Such increased assessment would, undoubtedly, be unpopular, and might injure the cause of sanitation at the outset. But it would not be so oppressive as some might suppose. People who now pay from one to three rupees a year would not experience very great difficulty in paying twice that amount. As regards the poorer people, who are generally assessed under the Chokidari Act at 2 pice and one anna per month, they might find it difficult to pay any more, but I would point out, and lay great stress on the fact, that *the very same class of persons*, if they happen to live within the limits of Municipalities, pay a Municipal tax of two or three annas a month. Most of our mofussil Municipalities are largely made up of collections of villages and straggling hamlets, and this fact has been urged against the introduction of octroi duties. If it would be "zulm" to enhance the chokidari assessment, then it must be admitted that "zulm" is now being exercised on large classes of poor people living in Municipalities.

Section 87 of the Local Self-Government Act provides that "it shall be the duty of every District Board, subject to any rules made by the Lieutenant-Governor under this Act, to provide, so far as may be possible, for the proper sanitation of its district, and to incur such expenses or undertake such liabilities as may be necessary in that behalf." Section 91 provides that "it shall be lawful for a District Board to appoint a properly qualified person to be its Sanitary Inspector, and, subject to the provisions of sec. 33, fix the salary of such Sanitary Inspector and the details of the establishment subordinate to him." These sections have not yet been put

in force by the Local Government, and no rules have been framed under sec. 138 (n) of the Act. The words "provision for proper sanitation" are very comprehensive, and would apparently justify sanitary regulations and restrictions dealing with most of the matters discussed above. As regards inspecting officers, the appointment might be amalgamated with that of vaccinators, or the Inspectors of other Departments, such as Excise and Income Tax. The present Assessor-Inspectors of Income Tax and Excise often waste much time in having to go to a distant village to inspect a single shop or inquire about the income of a solitary assessee. They could easily find some time for sanitary inspection, and the services of Sub-Deputy Collectors and Canungoes might also be utilized in this direction. If possible, the enforcement of sanitary regulations should be entrusted to some village or at least some contiguous local authority: it would not do to summon men into head-quarters of districts or sub-divisions for the more petty sanitary offences. Under the Bombay Village Police Act of 1867, the "Patel" is empowered to punish certain sanitary offences, and the same power could be given to village-heads in Madras,\* who already exercise larger powers than this. In Bengal there is more difficulty in selecting a punishing authority, but it may, to some extent, be surmounted by an extension of the Honorary Magistracy system.

In conclusion, the outlook seems to be very hopeful. Hindoos have a natural tendency to cleanliness: they perform their ablutions with care and regularity: and the insides of their houses are kept clean. A beginning has hardly as yet been made, and as Maro well puts it, "once begun is half-done."

"Dimidium facti, qui cepit habet."

In Municipalities the people have begun to appreciate the benefits of sanitation, and they only want a little leading and instruction. In villages, too, the people are only too ready to observe the elementary rules of health, whenever a *hakim* takes the trouble to interest himself in the matter. Where tanks have been set apart for different purposes, the villagers themselves have brought to notice infringement of the rules. Mr. Pedder, late Revenue Secretary at the India Office, has related how, when cholera was raging in a village, owing to the use of the same pools for drinking and for washing their persons and clothes, he had separate pools dug for drinking water, and stationed sentries to prevent the people bathing in them. Cholera in a few days disappeared, but

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\* 1 Sec. Mad. Reg. XI, of 1816, S. 10, and IV of 1821, S. 6, cl. 1.

the people petitioned Government against his "zulm" in compelling the women to walk a hundred yards further for water. That was in 1863, a quarter of a century ago : now-a-days, under such circumstances, it is improbable that any complaint of "zulm" would be made. Some officers say : "let the people die, if they want to ; they used to die of famine, and there must be some outlet for over-population." But this is very rough on those who are not keenly desirous of throwing off their mortal coil. In the days of Lord William Bentinck, we are told by a contemporary writer, the residents of Chowringhee and Park Street did not trouble themselves with the state of the native town. But sanitary science has advanced during the last fifty years, and the dwellers of Chowringhee and Park Street are no longer callous. They know that the presence of an insanitary neighbour endangers their own health and lives. Other officers think that any attempt to enforce sanitation would be productive of "zulm." This is but the hackneyed plea of the good-natured, easy going Gallio who wants to to draw his salary in peace. It is your *roisainant*, your care-nothing Gallio, your hyper-cautious and timid "safe-man," who is afraid to give an order one way or the other ;—it is these men, who are the real "zálims" of the Mofussil ; it is in their consulates that the plebeians are oppressed, though they may be popular with the patrician oppressors. As is remarked in the Resolution of the Government of India, popular prejudices have been successfully combated by the judicious influence of the officers of Government. Sanitation is a matter in which the people of Bengal are already ripe for improvement and innovation. They only want a lead. When the death-rate from fever in Bengal is 17·15 per thousand, it would be "zulm" for a Christian and civilized Government to look on any longer with unconcern. Everything is in the hands of the District Officers, and it is no exaggeration to say, that the success or failure of sanitary measures will depend almost entirely on the personal interest, energy, and influence which they bring to bear on the work.

II. A. D. PHILLIPS.

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### ART. III,—PRACTICAL EXPERIENCE OF LOCAL SELF-GOVERNMENT IN BENGAL.

I SHALL endeavour in the following pages to give a faithful account of the progress of Local self-Government in Bengal so far as it has come under my notice both as regards Municipal and district matters. Any value that my remarks may possess will be due to the fact, that they are based upon personal knowledge, gained in the course of several years of intimate official relations in many districts with the very classes to whom we must look for the success of the policy. I can claim in my official capacity to have ever loyally endeavoured to carry out the programme. I mention this because Mr. A. O. Hume, one of the high-priests of radicalism in this country, is reported to have attributed the lack of the perfect success of Lord Ripon's beneficent scheme to the alleged fact that, "in so many places the officials interfere so much, that the members never feel any responsibility, and all the best men get disgusted and lose interest." It will be interesting to test this statement by the light of facts; it would be most interesting to know whether the allegation is based on any and what statistics.

One is accustomed to this form of argument or rather dogmatic denunciation in the columns of the Native Press, but coming from Mr. A. O. Hume, the statement demands at least a passing notice; my object in referring to Mr. Hume's strictures is to indicate that such things as loyalty to authority, and the subordination of personal convictions to the declared policy of the Government, is not unknown in the Service to which Mr. Hume once had the honour to belong, and I confidently assert that such is the rule of the Service in Bengal. That divisional and district officers pretty generally condemned Lord Ripon's views from the first, will be proved by the reports on the subject in the "Calcutta Gazette." All I desire to maintain here is, that whatever may be the personal opinions of the officers charged with the duty of introducing the measure, it is incorrect to state or imply, that they have not honestly endeavoured to make the policy a success in the spirit in which it was conceived. If it has not been a success hitherto, which I think is capable of proof, this is not due to the cause assigned by Mr. Hume, but to the inherent weakness of the measure itself.

Mr. Hume goes on to say, that Local self-Government is a sham throughout half the country, which is true, and that

this is due not to the incompetence of the people, but to officials being too zealous in endeavouring to have everything done in the best way ever to give the people fair play.

On this point I have to join issue with Mr. Hume, and in doing so I shall rely on facts, which are the only touchstone by which the value of generalizations can be tested. I would begin by stating that a district officer has passed through a training peculiarly fitting him to speak with confidence on this subject. From the commencement of his service he has invariably sat on every Local Committee at his station, and there gained a knowledge of the representative men of many districts. He knows their capacity as a class, their strength, and their weakness; if a number of such officers declare against the success of any proposal to vest this class with additional power, the probability is that their judgment is correct. If an officer has too much regard for his own reputation, he might have been tempted not to have the courage of his opinions in a matter in which too much candour would expose him to be branded as narrow and reactionary, owing to the opposing class of opinions having gained a temporary currency in India: district officers did not yield to this temptation, but predicted what has since occurred. Added to his experience gained on Committees, the district officer has opportunities of knowing the people among whom he lives that are not always enjoyed by his critics. Possibly a resident of Calcutta may know something of the Calcutta baboo, but it does not follow that he knows anything about the corresponding class in the interior to which my remarks will be confined.

The most successful form of Local self-Government in the interior is that which exists in Municipalities. It is the most representative, that it is to say, the suffrage exists, and votes are recorded, and a candidate is declared duly elected.

The amount of vitality at such elections varies considerably. I have known the voting to be brisk, and the number of candidates actually to exceed the number of vacant seats; this was in Eastern Bengal. I have also known the election to be a farce, in which one candidate stood for each vacancy, and was returned by a few votes as a matter of course. The following are the number of votes registered for each candidate in the Purneah Municipality at the last election, and in 1884:—

In 1884 out of 187 voters 33 voted	In 1887 of 243 voters 32 voted in ward I
"    196    "    21    "	"    260    "    7    "    ward II
"    64    "    16    "	"    99    "    7    "    ward III
"    152    "    22    "	"    178    "    17    "    ward IV

The difference between this state of things and that which exists in Eastern Bengal, is not due to a difference in the education, intelligence, or political development of the tradesmen

and others who voted in Purnia as compared with their counterparts farther east, but results from the absence of popular agitators here, and this, and not the Eastern Bengal record, affords the true measure of the interest taken in elections by persons to whom the suffrage has been granted, and to whom no artificial stimulus has been applied.

It is necessary to guard against an inference that may be deduced from the figures quoted above, namely, that the increased number of voters on the list in 1887 as compared with 1884, is due to an indication of political life in the municipality. This is not so; the list of voters is prepared in the Municipal office, and is arbitrarily regulated by the amount of municipal tax assessed in each case; the increase is therefore due to enhanced assessments, or to new assessments which entitle to the suffrage, such voters names being added to the list without any action on the part of the assessee.

The result of municipal elections is that nearly identically the same persons are returned by election as were formerly appointed by nomination. Up to this point no material change is perceptible. The change begins with the power of election of the Chairman and the Vice-Chairman. Very much depends upon this selection; a consultative body is as strong as its executive head, provided the latter does not meet with factious opposition. Of the forty municipalities in which European Chairmen are available, nearly half have appointed such chairmen; in the remainder natives have been elected. The former class of Municipalities knew perfectly well what they were about and have shown, their wisdom; they knew that such a degree of efficiency as had been reached under European guidance would not be maintained without it, and they acted on this conviction. They knew that under such guidance they would be secure from such evils as exist in Calcutta, where the European Chairman and Health Officer's action is paralyzed by the opposition of the members, and the most appalling results have followed. It is perhaps scarcely fair to any Mofussil Municipality to compare it with such a mismanaged concern as the metropolitan corporation. Probably no Mofussil Municipality, even after years of neglect, could reach the insanitary level of Calcutta, but how easy it is for a small Municipality to make a very good second to Calcutta is proved by the examples of Scrampore and Utterpara.

As for the somewhat larger portion of the principal Municipalities of Bengal which have elected native presidents, no one will grudge them their due if the work is carried on for a time without a fiasco, but in estimating the merit of such a measure of success, one must not forget that for some years to come the principle *sic vos non vobis* will be applicable, inasmuch as the new Chairman received charge of the executive machinery

in good working order, and nothing short of the most wanton neglect or perverse love of change will entirely destroy its efficiency. It must continue for a time to work through the momentum gained under European control, but the tendency will be for this momentum to exhaust itself, and it is very doubtful whether it will or can be renewed without a resort to the original generator in some form.

Reformers who attach a paramount importance to our insular institutions, and who habitually ignore the fact that a good part of the world progresses just as comfortably on very different lines, may call the minority of Municipalities backward, because they are not institutions seized with their own frenzy for popular representation: I should call the minority wise in not bartering their birthright for a mess of pottage. The same class of reformers would call the go-ahead Americans backward for not adopting free trade, or the German Empire backward for levying its armies by conscription. The reckless introduction of insular prejudices in this ancient and conservative country\* affords the newest and most startling instance of the Pharisaical wrong-headedness of the British reformer abroad; but it is consoling to find that nearly half the chief Mofussil Municipalities have shown their wisdom by not yielding to the blandishments of such narrow and bigoted reformers.

Two instances of flagrant maladministration of Municipalities in Bengal have been quoted, and I make bold to say that, where the same causes are at work, viz., the substitution of native for European control, the same tendencies will be found at work. I do not say that a Municipality cannot be well conducted under native executive officers, but I do say that there is a strong probability that all such will retrograde, and some will reach the abysmal depths of Calcutta and Uttarpara; if they do not do so, it will probably be due to an exceptionally good paid staff. The causes of this are not far to seek. I am quite prepared to admit that there are highminded and clever native gentlemen on every large Municipal Committee, but honesty and ability are not all that is required.

The Vakils, as a class, are the best native members; others as good may be found among native medical practitioners and Zamindari managers, but all these are busy men, and lack the leisure, even if they possess the inclination, for the due performance of the duties of the executive head of a Committee. These duties are of two kinds, indoor and outdoor; for the indoor duties a native Chairman possessing the necessary qualification is easily found, but the duties are heavy and irksome and a busy professional man, to whom time is money in a sense that it is not to an official Chairman, must possess

self-sacrifice and public spirit of no common order to faithfully perform them.\* It is morally certain that these duties are not performed by a native Chairman as they have hitherto been performed by an European official. As to the outdoor duties, the case is infinitely worse; besides the lack of leisure, the native Chairman has several other drawbacks to contend with. In Bengal he has to fight against a physical indolence which is constitutional among the well-to-do classes, a fastidiousness which makes much of the sanitary work eminently distasteful to him, and an indifference to sanitation which is due to a traditional disregard of the science—indifference, indeed, expresses the case too mildly—and I should be justified in saying that too often strong prejudices in favor of insanitary conditions exist, of which I will cite a few instances within my personal experience. The Mahomedans, in some places, are wedded to the practice of burying their dead on their premises, however small the premises may be; they also bury their dead on the banks of tanks which they do not hesitate to use for drinking. In a severely Hindu municipality, the Vice-Chairman, a native gentleman who was subsequently given a seat on the Council of His Honor the Lieutenant-Governor, informed me that it was considered wholesome to bathe in the tank from which their drinking water was taken, and warned me that if I set apart a tank for the latter purpose, the people would not use it for any purpose, but would bathe in and drink from some other tank. The practice was not condemned by my distinguished colleague, who appeared only desirous of stopping my sanitary crusade.

The desire for privacy in their domestic life leads to a shocking contiguity between the family latrine and the dwelling house of otherwise refined and educated native gentlemen. I could multiply instances of the most astounding prejudices which exist in quarters where they would hardly be expected. It is not sufficient to say that a man here or there might be found to rise superior to such prejudices. A native Chairman is a member of a society that would not be slow to resent any action that ran counter to the foolish prejudices that undeniably exist, and this brings me to another point where the weakness of a native executive would be felt, namely, the deference that would have to be paid to the wishes of the people; on the other hand a European, especially when strengthened by official position, finds less difficulty

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\* [The Reviewer has hit the right rail on the head. The ablest native members are not men of leisure: they have to earn their livelihood by hard work. To the Official Chairman it all comes in the day's work.—*Ed.*]

in being stern and unbending in order to be kind, I remember an instance when small pox was said to be raging in a town, the people refused vaccination. \* The Collector went down with the Civil Surgeon, and not a single family made the smallest objection: it was the *sirkar ka hukm*, that was enough: the people assembled in numbers to have their children vaccinated. Probably this might be classified as an instance of the brutal autocratic tendencies of the European officer, but it did good, and the wise man is he who takes what good is to be had out of the circumstances with which he has to deal. I do not think that a native Chairman would have acted as did the European, and had he done so, the result would not have been the same.

The above facts will, I think, prove that the native Chairman is sore let and hindered in running the race that is set before him, so much so indeed, as to be almost foredoomed to lose it; and if this be the case, and the scheme of Local self-Government contains the germs of weakness and failure, surely it is better to recognize the fact; to persevere in it after such warnings as we have had, is like building a house upon the sand; the house will fall and great will be the fall thereof.

The question is not whether the development of a spirit of Local self-Government can be secured by a somewhat inferior system of administration, but, whether this object is to be sought at all costs. I find a telling support of my view in the fact, that it has already been found necessary to amend the Municipal law in the metropolis of India, owing to the failure of Local self-Government there. The inference must be, that the enthusiasm for this policy has carried us too far and too fast. If, in sanitary matters, we find conspicuous and avowed failure in the metropolis under a system of Municipal Local self-Government, and this in spite of the unquestionably high standard of intelligence possessed by the members of the corporation, in spite of practically unlimited revenue which commands the services of able European specialists, and in spite of the steadying effect of a powerful public opinion—if, in Municipalities which, next to the metropolis, represent native enlightenment, we find matters getting steadily worse, surely it is vain to suppose that, in the Cimmerian darkness of native villages in the interior, the really benevolent proposals on village sanitation of the present Viceroy can be carried out by means of the feeble agency afforded by Local Boards. The benevolent policy of Lord Ripon threatens to eat up the benevolent policy of his successor, even as Pharoah's ill-favored and lean-fleshed kine did eat up the well favored and fat kine.

As I shall show, the district officer has hitherto bolstered up district Local self-Government, but he would be a bold

officer who would undertake to enforce sanitation in some thousands of villages, which he cannot personally visit, with no better staff than local boards would afford. A more practical suggestion would be to place sanitation in districts under the Civil Surgeon and his medical subordinates, giving powers of sanitary inspection to income-tax, excise, and educational officers, and passing an Act imposing penalties for the persistent neglect of sanitation.

Mr. Cotton, than whom Local self-Government has no more hearty advocate, thinks that Local self-Government ought to be extended gradually to selected localities first. This is a very just and temperate statement of the case, and one which no one will gainsay, but it logically follows that the experiment requires watching, and if it fail to justify itself, the Government would be right in waiting awhile, or even receding somewhat. At any rate it is false in the face of conspicuous failures to state that it should be, and would be a success but for the officers of Government. District officers have done, and are doing their best to make the system a success. They are by no means sorry to be relieved of a portion of their arduous duties ; but no man, who is worth his salary, likes to see insanitation flourish and roads go to ruin under his very nose. Those who don't care must be men who take no interest in their work or their district. Local self-Government was nominally introduced into districts throughout Bengal under Act III, B. C. 1885. I say, nominally, for when, as is generally the case, the members of the Board are selected by direct or indirect nomination, the Board is no more representative than were the Road Cess and other Committees that it replaced. By indirect nomination I, of course, refer to the practice of nominating the members of the subdivisional Local Boards, and allowing these bodies to send delegates to the District Board, the remainder of the latter body being appointed by direct nomination. In considering the success of the measure, it will be convenient to deal with the subject from the following points of view. How far has it accomplished, or is it likely to accomplish its avowed objects? and if it is a failure, to what is this due?

One of the objects of the policy of district Local self-Government was to give scope to the legitimate aspirations of the educated classes, by affording them a large share in the administration of the country. It is true that there is a class of natives that thirsts for a larger share in the administration, but if asked how they would take it, I am induced to think that they would not choose the non-alcoholic beverage of membership of District Boards, but would shout for the strong drink of membership of the Civil Service or any other office

carrying respectable emoluments. I would ask any honest native to say if I am not approximately correct in the following diagnosis of the enthusiasm that the measure for a time commanded among the best educated Bengalis of the mofussil, to whom alone my remarks apply, as they are the class with whom we have to reckon. To such a mofussil Baboo I believe the scheme was not one that met his fondest aspirations, nor was it one that this class would have spontaneously asked for. The proposal was heralded with a great flourish of trumpets, it was declared to be an immediate emancipation from official authority, and in the general scramble the Baboo was taught to believe that he was to be greatly benefited, its scope was grossly exaggerated and completely misunderstood; probably the only correct items in the mofussil conception of the measure were, that the representative body that would be constituted would obtain the disposal of some patronage, and that the Baboo class would thereby be benefited; also that the measure promised ultimate emancipation from official leading strings. If such ends were desired, the desires are laudable, though the last mentioned is only so, if attended by a firm resolve, that public spirit and self-sacrifice on the part of members shall prove those leading strings to be unnecessary, and if the power to carry out such resolution exists, I believe the power to be wanting.

I do not think that in the mofussil the objects of the measure were an aspiration at all, till it was launched by Lord Ripon, and even with such a sponsor, it would not have been thought so much of, but for the reckless puffing of the Native Press. Whatever aspirations may have been created in the above manner have not been fulfilled. We hear very little of the unspeakable boon now; for it has realized no aspirations whatever.

Next, as to a second object of the measure, namely, the relief of the overworked District officer. Far from this relief having resulted from the change, the work of that officer has very materially increased. The correspondence has, on a moderate computation, doubled; certain duties, formerly performed by officers of the Education Department, have been made over to the Board. These duties are not light, and I shall be able to show that they fall most heavily on the Chairman, who is generally the District officer. Similarly, in exchange for the income derived from ferries and pounds surrendered to the Board from provincial funds, certain public works, which may include the maintenance of all the public buildings and provincial works in the district, have been made over to the Board from the Department of Public Works. In addition to the above, an officer who tries to give effect to the measure by working more through the Board than was previously



the practice, doubles his work thereby. He has as Chairman to master each question that comes up, and subsequently to expound the same to the Board, to hear what the members have to say thereon, and to assist them to arrive at a resolution, instead of dealing with the matter promptly and on his own judgment alone: the result in both cases is generally identical, but the time occupied differs much. I think that the above facts show that the second object of the measure, the relief of the overworked District officer, is very far from having been realized.

I now pass on to the practical working of the Act as a whole, and especially considered as a measure of popular representation. The *personnel* of the Board is nearly identical with that of the Committees it replaced; their mode of appointment is theoretically not more representative than the practice formerly obtaining of nomination. The majority are, nevertheless, unquestionably the ablest Native gentlemen available at the district head quarters, the exceptions being the delegates of Local Boards created at subdivisions; and it is doing the latter no injustice to say that they form the least intelligent portion of the Board, and that they are not more representative than the rest. The Local Boards replace the branch Committees at subdivisions, and are appointed by nomination. Their *personnel* corresponds as closely with those of the latter institutions as that of the Board corresponds with those of the head quarters Committees. In fact, little or no change has occurred in this respect. Though the Boards thus constituted are not representative in the sense that representation is understood in England, they appear to me to be the only possible arrangement. To make them more popular in form would be to reduce their efficiency to a point that must result in an administrative collapse, and thereby throw discredit on the whole system. Far from condemning the Boards as at present constituted, I maintain that nothing better shows the wisdom of the legislature, than that amidst a cyclone of wild theorizing, the measure that has become law has made it possible to retain so workable a body. The Boards if they do not constitute popular representation, are the nearest approach thereto at present practicable. They are representative in the sense that the Norman barons who met at Runnymede in A. D. 1215 were representative. They form an oligarchy but for which, though it may not represent the people faithfully, the people would remain altogether unrepresented. Having considered the Board as a representative assembly, it remains to lay bare its practical working which, from inherent causes of weakness in the institution, places more power in the hands of the Chairman than reformers approve, because the Chairman happens to be the District officer,

I do not deny that the District officer carries great weight as such, but he also derives still greater power from the circumstance that he is usually much better informed on the facts than the members individually or collectively. What do members know of the hundreds of miles of district roads under their control? Next to nothing. Native gentlemen are a remarkably stay-at-home-class, and seldom travel twenty miles from their own doors; in a district where European planters exist, these gentlemen who are scarcely more representative than the District officer himself, know something of the roads they use, but such roads form an inconsiderable fraction of the roads of the district. With a Chairman who is the District officer, the case is different, for he, in the latter capacity, visits every portion of his district, and almost all the roads come under his personal observation. Without his assistance the Board would have to rely for their information on their own paid staff, and on the complaints of villagers about the roads in their neighbourhood. The District officer's information is invaluable on all points, and without it the Board would be groping in the dark, and so waste money. The case of a Municipality is different: here the members know something of the area they administer.

Similarly, with the exception of the Civil Surgeon, members seldom see the dispensaries outside the Sadar station; here again the assistance of the Chairman is of value. In the case of schools pounds, and ferries a similar remark applies. Thus in every branch of its duties, the Board is dependent for facts on the District officer, and it is scarcely conceivable that, outside the official ranks, a Chairman could be found with knowledge of the various questions at all comparable to that of the District officer. The above facts are apt to be lost sight of in denouncing the action of the official President, as stunting the growth of Local self-Government, the truth being that, such a President alone can make well informed action possible, and no other available head could do so. Quite apart from any personal wish, things must come before the Chairman, as he has local knowledge. The only alternative would be to ask the Police to report on every thing, and even this would of course be better than leaving some matter about a pound or a ferry to be decided by a pleader who never leaves the Sudder station.

So much for the knowledge of the subject that can only be gained out of doors. With regard to the indoor duties of the Board, which are perforce confided to the Chairman and Vice-Chairman as its executive heads, the members are again indebted to these officers for disposing of the most irksome of their duties. If any reformer supposes that the Board can deal efficiently with a tithe of the questions that arise, I should like that reformer to try and see how it works. The question as to

how much of the work should be done by the President, will always be a difficulty. I can state it as my own experience, that the tendency is for the Chairman to place more before the Board than the members show any inclination to deal with.

A Chairman is not bound to give the members a digest of a bulky record ; he may leave his colleagues full scope for their aspirations, and a single item would probably keep the Board occupied for a whole meeting. The members don't like this, and prefer to deal with a précis of the case, and such a course is perfectly justifiable, and it is inevitably left to the Chairman to make the précis, and to decide how much of the particulars it is necessary to lay before the meeting.

It may easily be imagined that the work thrown on the Chairman is great, and the power given thereby proportionately great. The Board must elect one of three courses—to rely for facts on the Chairman, to go into each matter *ab initio* at their meetings, or to neglect the work altogether. The only practicable course is the first, and that is what is done. This, however, is not Local self-Government ; it is a modified form of dictatorship, whether the members endorse the Chairman's opinions, or modify them, or reject them, they are on most questions circumscribed by the information derived from him and this appears unavoidable.

An attempt has been made to delegate some of the duties of the Board to Executive Committees, but similar difficulties are met by such Committees as are encountered by the Board itself. The Finance Committee does excellent work in auditing accounts, which work was done previously equally well by a corresponding body called a sub-Committee. But when asked to frame a budget, they have not the facts, and they require the helping hand of the Chairman.

If the distribution of contracts be made over to this body as was done in one district at least, at the suggestion of the Chairman, in order to confide some real power to the members, complaints were made by the Engineer that intolerable delays occur in dealing with tenders, such as did not occur when these were disposed of by the Chairman alone, and there is some truth in this, as a single officer is always accessible, whereas a Committee cannot be always sitting.

The Education Committee shows small taste for dealing with the bulky educational reports that are received quarterly, and would gladly resign this duty into the hands of the Chairman. It will be seen from the above that, owing to unavoidable circumstances, the Chairman practically does the work of the Board ; and that no other course is possible, I have further shown that some portions of the duties of the Chairman, namely the outdoor portion, can only be efficiently discharged by the District officer

or some other official with similar opportunities for learning facts. The only other alternatives to the guidance of the Chairman being for the Board to place itself confidently in the hand of the paid staff, which would not be representative Government, or, for it to proceed on no knowledge at all, which would be representative Government gone mad.

Whether any non-official Chairman would find time to cope with the mass of office work now disposed of by the official Chairman, I more than doubt, for the reasons that I have given in dealing with Municipalities. That no non-official Chairman could be found fit to efficiently deal with the outdoor duties of the post is certain, and under the circumstances an official Chairman appears indispensable ; such being the case, no other official can possibly be so well qualified as the District officer. The additional power he derives from the post is a bagatelle compared with what he exercises as the executive head of the district, and the possession of the greater power, is a guarantee for a wise and moderate use of the lesser.

The object of this article has been by a straightforward statement of facts to show that there are inherent weaknesses in the conception of Local self-Government in Bengal that will insure its failure if it be pushed beyond its present modest dimensions in districts,—weaknesses, which have already brought about its condemnation in some Municipalities, and threaten its success in all. I have shown that in districts, Local self-Government is a misnomer for the system at present obtaining ; that with the best materials for Boards obtainable, these bodies are necessarily dependent for facts and for the discharge of their duties on the Chairman ; that the only Chairman who fulfils the requisite conditions of efficiency is an official Chairman ; and that the official that best supplies these conditions is the District officer ; that affairs are at present in much the same position that they were prior to the introduction of the measure, except that the hard worked District officer is still harder worked.\*

I have shown that in Municipalities the *personnel* of the Committees remains practically unaltered ; that where the wholesome European influence has been withdrawn or neutralized, affairs have, in two of the most enlightened towns in the province, rushed on destruction ; that in all cases where European influence is not predominant, the causes of decay are certainly at work, and that the ultimate collapse of the system is but a work of time, unless European influence is in some shape restored.

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\* [This is very true : The outside world writes to the Chairman, and the Chairman writes to the Magistrate. The Commissioner addresses the Magistrate, and the Magistrate writes to the Chairman. So correspondence is doubled for nothing.—*Ed*].

I have endeavoured to deal temperately with the facts that are before me, and to spare the susceptibilities of Eutopian reformers, whether native or European. My sole aim has been a desire to speak the truth without prejudice, fear, or favor, in the belief that the smallest ray of truth serves a useful purpose, and because the truth appears just now to be at a discount. I share fully, both on general and personal grounds, the regret that must be felt by reformers for the melancholy failure for their pet scheme ; but I will not join the ranks of those who seem to think with Talleyrand, that speech is given us to conceal our thoughts. If it be true that as far as the East is from the West, so far are the people of Bengal from a capacity of successful Local self-Government, I am confident that it is both wiser and more straightforward to face the fact, instead of prophesying smooth things, and attributing failures to any cause but the true one.

H. G. COOKE,

*District Magistrate of Purneah.*

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## ART. IV.—COMPARATIVE CRIMINAL LAW.\*

### I.—Crimes and Punishments.

THE science of Comparative Criminal Jurisprudence is but little known in England, though it has made considerable progress on the continent. The French Government has a special Department, attached to the Ministry of Justice, for the translation of foreign Laws and Codes. A knowledge of the laws of other civilized countries is even more essential for the legislator than for the lawyer or jurist. This fact was made painfully manifest during the passage of the Criminal Law Amendment Act of 1855 through the House of Commons. Though many of the members of that House are lawyers, yet the discussions on the Bill were characterized by a veritably abysmal ignorance concerning the provisions of Continental and American law *in pari vel simili materiâ*. Had our statesmen and legislators possessed but a moderate acquaintance with the criminal codes of Europe, some few provisions at least of that Act would have found a place on the Statute Book years before, while others could never have been passed at all. Nor would it be difficult to cite instances to show that such ignorance may even affect judicial decisions regarding the law as it actually exists. I will give only one example from India, but that example is a very typical and striking one. Some years ago a Judge of the highest Appellate Court in one of the provinces of British India, while reducing a sentence passed by a subordinate Court for the offence of adultery, actually remarked from the Bench that such prosecutions were to be deprecated, as adultery *do not constitute a criminal offence in the civilized countries of Europe!* Livingston has pointed out, in his Introductory Report to the Louisiana Code of Crimes and Punishments, that England is about the only country in which adultery is *not* a criminal offence.

It is especially necessary at the present time that the statesmen of England should possess some knowledge of the criminal laws of other countries. It is to be hoped that the Irish clouds may soon roll by, and give the House of Commons time to turn its attention to the consideration of a criminal code. The necessity for amending the English criminal law has been admitted for more than half a century. In the years 1833, 1836 and 1837 there were three different Commissions, who submitted eight Reports. In 1845 there was a fourth Commission,

\* This sketch forms the Introductions to Vols. I. and II. of "Comparative Criminal Law," now almost ready for sale. Messrs. Thacker, Spink & Co., Calcutta; Messrs. Stevens and Sons, 119, Chancery Lane, London.

which submitted five Reports. In 1852 a Bill prepared by Lord St. Leonards was dropped. In 1853 a copy of this Bill was sent to the Judges to report on, but they were not pleased with it. In 1856 a number of Bills were prepared under the direction of Lord Cranworth, and seven of these were with some modifications passed into law. These Acts, known as Greaves' Consolidation Acts (24 and 25 Vict., cc. 74—100,) made no attempt at codification. After two decades of inaction we come to the famous Code of 1878, prepared by Sir James Stephen. This Bill was actually read a second time, but was afterwards withdrawn. It was subsequently thoroughly examined and overhauled by a Commission consisting of Lord Blackburn, Sir James Stephen, and Messrs. Justices Barry and Lush, and their Report was presented to the House of Commons in 1879. But all attempts to pass codes met with the same fate. The Criminal Code (indictable offences) Bill was withdrawn after having been read a second time. It was opposed, among others, by Lord Chief Justice Cockburn, who, however, made the notable declaration that he had long been a firm believer in not only the expediency and possibility, but also in the coming necessity, of codification. In 1880 two Bills were introduced, but neither was passed. One was a Government Bill, known as "the Criminal Code," and the other, known as "the Criminal Code (No. 2)" was brought in by private members. The former was actually read a second time and referred to a Select Committee, but Parliament dissolved soon afterwards, and in the following year the Attorney-General declared that the Government had no intention during that season of introducing a Bill for the codification of the criminal law. Since then a policy of *iniquia non movere* has prevailed, and to put it *more Persico*, the still serenity of the sky of legislative inaction has been but once disturbed by the forged thunderbolts of the *Pall Mall Gazette*, when in the year 1885, the tiny barque of the Criminal Law Amendment Act was hurried safely into port on the summit of a wave of frenzied excitement. There have been other isolated Acts, creating new offences, such as the Merchandise Marks Act, and Margarine Act of 1887, but no attempt to codify or consolidate.

Even the Code of 1880, though it proposes to sweep away many technicalities,\* such as the distinction between felony and misdemeanour, is still susceptible of much improvement, and if England is to have her criminal law codified, her legis-

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\* This code also contains provisions for simplifying the law of theft and fraud, for the abolition of the doctrine of constructive malice in homicide, for the simplification of indictments, the law of venue, and procedure generally, while it gives a more satisfactory appeal on points of law.

lators may as well derive what advantage they may from the labours of modern criminalists and jurists, and bring such a code up to the level, so to speak, of the most recent dicta of the science of criminal law. The French Penal Code of 1810, which served for half a century as a model to the legislators of Europe, has fallen behind in the race, and its place was taken by the German Code of 1870. The principles, systems, and definitions of the French Code were subjected for a long time to the criticisms of jurists, and the German Legislature has carried the results of those criticisms into the domain of law. But even the German Code can hardly be called a model at the present day: we have also the recent Italian Code, the Hungarian Code of 1879, and the Dutch Code of 1881. I speak now of Penal and not of Procedure Codes. In these we find rigorous definitions of the conditions of criminal liability, while elements of complicity and degrees of culpability are distinguished with a *luxé de nuances* which commands our admiration. Their provisions on other points may usefully be studied by the English legislator, such as those regarding enhanced punishment on reconviction (*la récidive*), cumulation of punishments (*la cumule*), attempts (*la tentative*), prescription, and kinds of punishment. It will, moreover, be seen that a certain number of acts and omissions are made penal, which are not penal in England, but which certainly ought to be made so.

But it is not only statesmen who should have a knowledge of the differences in the codes of different countries, of their varying peculiarities and characteristic traits. Such a knowledge is invaluable also to the philosopher and moralist; it is of service to the historian in constituting at least one additional means of understanding national character or idiosyncrasies; it may add powerful weapons of argument to the armoury of the practising lawyer; while, for the Magistrate and Judge, it supplies solid material for measuring criminality, weighing degrees of culpability, and for determining the amount of punishment to be inflicted. For instance, under sec. 75 of the Indian Penal Code, a person re-convicted of certain offences is *subject* to enhanced punishment. A man may be charged with theft before a Magistrate, and two previous convictions are proved against him, but perhaps eight years have elapsed since his release from prison. The Magistrate is doubtful whether to decide the case himself or to commit it to a higher court. In France and Belgium an offender is not considered a recidivist, if more than three years have elapsed since his release from prison; in Holland a lapse of five years, and in Denmark and Hungary of ten years, from such date prevents the infliction of any enhanced punishment. An Indian Magistrate, aware of these provisions, would probably prefer to act in accordance



with their spirit rather than follow the extreme severity of the English law on this point. In England it is essential to the offence of perjury that the false evidence should have been given on some point material to the issue. In India this is not necessary. But if the false evidence is not material, an Indian Magistrate should consider such fact in awarding punishment. In England or in India a sister is prosecuted for harbouring a criminal brother, only the husband and wife being excepted from the operation of the law. It may be useful for a deciding officer to know that in some other countries, such as France, Belgium, and Louisiana, brothers and sisters and other near relatives are also excepted. Instances such as these might be multiplied.

A knowledge, then, of comparative criminal law is of use to many classes of persons, but perhaps most of all to those whose duty it is to frame the laws of their country; and it certainly is surprising, to say the least, that such knowledge should not be possessed by English lawyers holding seats in the House of Commons. Though rid of its worst barbarities, the English criminal law is still marked by defects and omissions, and replete with harsh anomalies. In their next attempt to pass a code, it should be the object of the Legislature to completely supply the omissions and sweep away all the anomalies. A study of the Criminal Codes of Europe suggests numerous questions for discussion and decision, many of which have not been even alluded to in the Reports and draft Codes hitherto prepared. A few instances may be given: The want of any proper classification or gradation in the English law of homicide leads to some very curious results. Two men agree to commit suicide, the one survives the attempt, the other perishes. Is the former to be considered guilty of the murder of the other? He is so only in England. A man is ill and knows he cannot recover; tortured with agonizing pains, he may linger on for months, and he asks a relative to mix some swift and painless poison in his food or drink. Is the relative, who complies with such a request, earnestly made and repeated with solemn adjurations, to be placed in the same category as the murderer? The criminal jurists of Austria-Hungary deem three years' reclusion to be a sufficient punishment for this act; in Holland the maximum is twelve years. Then, again, there is the question of homicide by simple omission. A blind man is walking towards a precipice. Is the man, who omits to apprise him of the fact, guilty of homicide? Under the law in England and India he is not so guilty; but there is no doubt that such an omission should in certain circumstances be punished. By Art. 450 of the Dutch Penal Code, "he who, seeing another person suddenly threatened with the danger of death, omits to

give or furnish him with assistance, which he can give or procure without any reasonable fear of danger for himself or others, is punished, if the death of the person in distress has resulted, with three months' imprisonment and fine." Article 484 of the Louisiana Penal Code enacts that "homicide by omission only is committed by voluntarily permitting another to do an act (*e. g.*, the case of the blind man walking to a precipice) that must, in the natural course of things, cause his death, without apprizing him of his danger, if the act be involuntary, or endeavouring to prevent it, if it be voluntary." The Legislature should also define clearly how far the infliction of hurt on oneself is an offence, when committed to avoid a public duty, or to enable a person to beg. The provisions in the New York Code on these points are worthy of imitation. A recent case of defamation, tried before Sir James Stephen, shows that the Legislature should clearly declare how far defamation of deceased persons is an offence. It is pleasing, in this connection, to turn from a system, in which such points are decided by Judge-made law, if and when they arise, to the precision of certain Continental Criminal Codes. The Penal Code of Hungary gives the right of prosecution only to the children, father, mother, brothers, sisters, husband or wife of the deceased person ; in Holland, the right is extended to relatives, in a direct or collateral line up to the tenth degree. The Indian Penal Code gives it to "near relatives." The recent revelations concerning the supply to the army and navy of cork-screw bayonets and cutlasses make it worthy of consideration whether certain breaches of contract should not be criminally punishable as in France, Germany, and Austria. Even the Penal Code of a less warlike nation (the Dutch) punishes fraud in the delivery of articles necessary for the fleet or the army, by which the safety of the State may be endangered in time of war. It is sufficient if the things are supplied during a time of peace, if the act is likely to compromise the safety of the State during a time of war. In England there is no statutory law, embodying the maxim *de minimis non curat lex* ; neither in England nor in India are there any special provisions dealing with the breach of official secrets or the opening of letters. Many sorts of false certificates are not punishable in England, and would be only punishable in India (s. 182), if intended to deceive a public officer, or if the facts amounted to cheating. The French and German Penal Codes punish those who falsely certify to illness or infirmities incapacitating for public service, or who fabricate false certificates of good conduct, of poverty, or of circumstances intended to procure any one a situation, credit or help. Another section punishes false certificates of all sorts from which damage may result to a

third person or the public. The Italian, Dutch, and Hungarian Penal Codes contain some similar provisions.

The above instances suffice to show the necessity for very considerable amendments in, and additions to, the English criminal law. But what is more than all necessary is codification. Owing to the long continued system of having special enactments for everything, the multitude of laws added to the English Statute-book is almost incredible—10,000 Acts were passed during the reign of George III alone! It is remarked by Sanford, in his work on the Penal Codes of Europe, that a simple Manual for a Justice of the Peace (Burns' Justice) contains one hundred times the number of pages employed to express all the penal laws of a minutely administered country like France! An English practising lawyer must spend a small income, in order to have a decent law library of his own; and even so, he could not put his finger so readily on the law as an enlightened Bengal ryot, who has been represented as having 8 annas worth of cloth round his loins, a Penal Code in his right hand, and Act X (Law of Landlord and Tenant) in his left. English lawyers, as a body, know no system of law but their own, and they appear to be so enamoured of it and cling to its traditions with such ténacity, that reform makes little or no headway. The voices of ardent reformers cry in the wilderness, and their labours are but those of Sisyphus. Things are allowed to run on in the old grooves, because lawyers as a body are probably averse to any radical changes. Short, lucid codes, cheap, accessible, and easily understood of the people, will not increase Othello's occupation. Hence an attitude of dull, passive resistance which can only be overcome by convincing the English public—the sole lever for influencing the action of ministers—of the necessity for reform. Jeremy Bentham, single-handed, made some impression on the inert and sluggish mass, and Sir James Stephen has lopped off some at least of the heads of the Hydra of opposition. Still the English law remains, in this penultimate decade of the 19th century,

*"Monstrum, horrendum, informe, ingens, cui lumen ademptum."*

What is required is a compact phalanx of reformers, working in unison, to din the thrice-told tale of codification into the ears of the drowsy masses, and to convince them, by an unceasing drip of demonstration, that universal suffrage is but a paltry boon to a nation in comparison with the codification of its laws.—

*"Gutta cavat lapidem non vi, sed sæpe cadendo."*

"Will Englishmen," says Mr. J. G. Phillimore, "always be content with repeating ludicrous panegyrics on their coarse, slovenly, confused and incessantly vacillating laws, instead of

seeking to digest them into some state, if not equal to the finished state of Rome, less scandalous at least to civilized men?" The late Mr. Sheldon Amos has remarked that "the study of English law in its present shape is the most distorting, nauseous, and mentally paralyzing mode of education that the most injudicious and cruel instructor could devise. Scarcely a single text-book or commentary has been written by a jurist, or by any one accurately acquainted with any other system but his own." He goes on to denounce the "bad metaphysics, bad ethics, bad logic, false and cross divisions, the bigoted distaste for everything not home-born, and the pervading abhorrence of correct classification." No doubt these denunciations are absurdly hyperbolic, and even partially untrue, but there is some truth in them, and one can understand the sense of dissatisfaction with English law which the English jurist must feel, in a greater or lesser degree, when he has drunk deep of the Pierian fount of Rome, comes into view of the Elysian fields of the science of comparative jurisprudence, and contrasts the compact and comprehensive codes of Italy and India, Germany and France, with the musty, lumbering, and scattered statutes of his own country.

In conclusion, statesmen should not entirely abandon the work of codification to lawyers. They should bear constantly in mind the history of law reform in England, and if they themselves are convinced of the necessity for sweeping reforms, they should have the boldness to introduce them in spite of the dissentient voice of the legal profession. During the debates on the Criminal Law Amendment (Ireland) Bill, Sir W. V. Harcourt remarked that the history of the criminal law of England showed that it had been reformed *in spite of the Judges*, and he instanced the unanimous representation of the Judges presented by Lord Ellenborough against the Bill of Sir Samuel Romilly, afterwards carried by Sir R. Peel, when they say "that no property will be safe in this country, if you remove the capital punishment for stealing from a shop to the amount of five-shillings." Those who have read the writings of Jeremy Bentham know that there is a good deal of truth in Sir Vernon Harcourt's allegation. To the people of India, no less than to the people of England, is it of vital importance that the English criminal law should be simplified and codified and freed from its many anomalies and absurdities? For nearly one-half of the Judges of our highest appellate courts in India are English barristers, appointed fresh from England, and so influenced by their legal training there, and so saturated with the narrowness and technicalities of English procedure, that it is an impossibility for them to do justice to the Indian codes. Some of them make no secret of their dislike

of the Codes, and chafe at not being able to apply English laws as freely as they wish; and experience has shown, as a matter of fact, that their interpretations of the law are often diametrically opposed to the intention of the Indian Legislature. The present state, then, of English law and procedure produces evils of alarming magnitude and of the most far-reaching consequences; and it is now high time for the English public, through their representatives in Parliament, to insist on radical reforms. They should no longer be content to be harassed with nuisances, which the law is too weak to remedy, or to be crushed by legal expenses due in a great measure to needlessly elaborate and technical procedure. They should refuse any longer to permit their rulers to crawl along the path of administrative helplessness and stagnation, or their legislators to climb laboriously the unadvancing treadmill of unchanging laws and uninspired routine.

## II.—Procedure. •

It has been remarked that though the substantive penal law may be the perfection of reason and wisdom, yet the worst criminals may escape, owing to flaws and technicalities in the law of procedure. The Indian Code of Criminal Procedure has been framed with the express purpose of eliminating all possibilities of acquittal, except on the merits of the case (Chap. 45). No conviction is to be reversed on account of any error or irregularity, *unless a failure of justice has been occasioned thereby*.<sup>\*</sup> Art. 1045 of the New York Code of Criminal Procedure is as follows;—"The rule of the common law, that penal statutes are to be strictly construed, has no application to this Code. The provisions of this Code and all proceedings under it, are to be liberally construed, with a view to promote its objects, and in furtherance of justice." To the same effect is Art. 4 of the Louisiana Penal Code. The Criminal Procedure Code of that State, framed by a distinguished lawyer and jurist, lays down seven objects, one of which is to abolish all forms that produce vexation to the prosecution, to the accused, or to the witnesses. Another is to *take away from the guilty all hope of escape by a resort to formal or technical objections*. Art. 3 states that "the great object of penal law being the prevention of offences by the example of punishment, the intent of all Codes of Procedure is to ensure this end; therefore every system must be imperfect, which permits the form to defeat the substance of the law, and suffers a criminal *ever* to escape punishment from any defect of form in his prosecution." The rule as

<sup>\*</sup> Ind. C. P. C. §37.

to strict construction of penal statutes doubtless originated in the extreme severity of punishments. As late as 1837 there were as many as 37 capital offences on the Statute-book; now there are but four—murder, treason, piracy by the law of nations, and setting fire to dock-yards. No wonder that prisoners were acquitted for paltry technical flaws, and that fatal “variances” were often found between the indictment and the fact proved. But *cessante ratione cessat et ipsa lex*; and the rule of strict construction should now be abolished. The swift and certain punishment of the guilty—and this constitutes the best means of prevention—is the object of criminal procedure. It is not only necessary that the “*antecedens scelestus*” should never escape, but for the diminution and prevention of crime, it is essential that he should be brought to justice swiftly, and not by a “*pæna claudæ*.”

English criminal procedure is eminently traditional in its character, and has been influenced by the constitutional history of the country. The Crown has frequently been opposed to the nation, and executive has been in conflict with judicial authority. Both under the Tudors and the Stuarts the acquittal of offenders, in the case of press and political offences in particular, was to often desired by the community at large. The result has been, perhaps, to give accused persons, not merely a fair trial, but show them indulgence and give them undue chances of escape. The Judges, when in conflict with the executive, have virtually been *judices in sua re*. They have been held in check by no *droit administratif*, and administrative questions have been decided by them, and not, as on the continent, by administrative Courts. There has been no *Tribunal des conflits* to determine what matters are for administrative, and what for judicial, authority. Had there been a *Tribunal des conflits*, the cases of general warrants, *inter alia*, would probably have been decided differently. A general search or inspection is allowed by the Indian Code of Criminal Procedure (96), and there was ample authority in England for general warrants. In the case of *Entinck v. Carrington*, Lord Camden, C. J., tries to get over the previous authorities by saying, that he can find no other authority to justify a general search for the seizure of a libel than that of “Scroggs and his brethren.” But Scroggs and Jefferies were only two out of the twelve constituted Judges of the land: and their decision was certainly in accordance with law and previous practice.<sup>6</sup> In England, then, penal procedure has been intimately connected with the political, moral, and religious opinions of the people; while that of France has emanated purely from Governmental authority.

A divergence of origin has produced marked differences of system. Some of the characteristics of the French system of

procedure are the following :—There is no grand jury, but in its place an examining Magistrate, clothed with extraordinary and despotic powers : the preliminary examination is secret, and no counsel for the defendant admitted at it ; there is, as in most European States, at each Court of Justice an officer, specially appointed by Government for the prosecution of offences which have generally a public character, and the prosecution of which does not depend on the will of the injured party. The jury are not competent to decide in cases of delict (misdemeanour). There is no law of evidence, the decision being given according to moral conviction, as in those States in which the Prussian code of procedure is adopted. The decision of the jury is by a majority of voices ; they do not give a verdict of guilty or not guilty, but answer questions put by the President of the Court, their finding thus being analogous to a special verdict. A great want of confidence in the testimony of witnesses is also to be observed in their system of procedure ; certain classes of persons are not allowed to bear witness, either on account of their relationship to one of the parties, or on account of their antecedents. Questions can only be put to them through the Judge. Special Police Courts exist in all the States of Europe, which give judgment in “contraventions” (mostly petty infractions of police and sanitary regulations), the characteristic of this grade of offence being that the mere violation of the law is punished, though there be no criminal intention. There is an appeal only from the decision of police and correctional Courts : from higher Courts there can only be *cassation* (revision) on the ground of a violation of the law.

Not only the English, but even the Indian Legislature (whose codes are in advance of the English criminal law) may derive many useful hints from the criminal procedure codes of other nations. I may briefly pass in review some of the points deserving of notice :—

1. In Germany, certain infractions of fiscal laws can be tried by the administrative authorities, but the accused may appeal to higher administrative authority, or claim a judicial decision. In India we have some cognate instances, *e. g.*, in the case of certain infractions of the laws relating to Stamps, Forests, and Canal Revenue.

2. In some countries (*e. g.*, Ital. C. P. C., 102) doctors, surgeons, and other officers of health are bound to give information to the local judicial police of cases of serious bodily injury, wounds, poisonings, in which they have given the aid of their profession. There is no such legal obligation in India or England, except if homicide has been committed. So doctors and other experts are bound to give assistance at investigations.—Fr. C. P. C. 43 ; Cass. 6th Aug. 1836 ; Ital. C. P. C., 121, 131.

3. In some countries certain high officials are exempt from appearance in Court. In Germany, for instance, the following persons are exempt, and must be examined at their offices or residences :—The Chancellor of the Empire, the Ministers of different States, the members of the Senate in free towns, the heads of superior departments, and the heads of ministries.—Germ. C. P. C., 49. It is a matter for consideration whether some such exemptions are not advisable in England or India. The Prince of Wales, a Secretary of State, the Lieutenant-Governor of a Province should not be compelled to go into the witness-box.

4. In recent English Statutes some limitation is generally imposed for the prosecution of offences. On the continent generally the cognizance of all offences is prescribed by a certain limitation, which varies according to the nature of the offence ; and punishments are similarly prescribed. Both in England and India it is advisable that the law of limitation should be more extended to criminal offences. The maxim *nullum tempus occurrit regi* is obsolete.

5. In Germany, among the offences which cannot be prosecuted except on the complaint of the injured party, are included theft, misappropriation, and cheating committed to the prejudice of parents, relations, guardians, &c.—Germ. C. P. C., 151, 152. This appears to be a considerate provision of law. As a matter of practice in India (and I believe in England also) such offences, though non-compoundable, are often allowed to be withdrawn. The French law goes farther, and permits civil reparation only in such cases.—P. C., 380.

6. In India there is nothing to prevent a complainant, whose complaint of assault, insult, defamation, mischief, &c., has been dismissed by a competent Criminal Court, from bringing a suit on the same facts in the Civil Court. This should not be permitted. In Italy there can be no civil action, when it has been declared by the Criminal Court either that the act imputed does not constitute an offence, or that the accused did not commit it.—Ital. C. P. C., 4, 6. So, if a penal action is pending, a civil action must be suspended until the former has been decided. In France the rule has been laid down by the Court of Cassation as follows :—"The acquittal pronounced in a Criminal Court is only an obstacle to a civil action if the Criminal Judge has clearly negatived the fact which is the common basis of either action, and the civil claim is absolutely irreconcilable with the findings and decision of the Criminal Judge."—Cass. 20th April, 1803. In India a complainant, who has been made to give compensation to the accused for bringing a vexatious complaint, might nevertheless go and file a suit in the Civil Court on the same facts. In England, in cases of assault and



battery only, dismissed on the merits, the Justices must make out a certificate of such dismissal and give it to the party accused, and such certificate, or the conviction (in case of conviction) is a bar to any other proceedings, civil or criminal, for the same cause.—24 and 25 Vict. C. 100, s. 45.

7. In England and India an accused cannot, as in certain continental countries, be tried in his absence. In England we find an approach to this procedure in summary proceedings before Justices. If the defendant does not appear in answer to a summons, the Justices may either issue a warrant *or hear the case in his absence*, and adjudicate as if he had appeared.—11 and 12 Vict., c. 43, s. 2. Whether judgment by default or contumacy should be allowed has been a keenly debated question among criminalists. French, Belgian and Italian legislators have answered the question in the affirmative; but the German Code does not generally permit it. There are, however, exceptions. A trial can take place in the absence of the accused, when he is prosecuted for desertion from military service, or when the offence is punishable with fine only, with simple imprisonment not exceeding six weeks, or with confiscation.—Germ. C. P. C., 231. But if the accused has once appeared and been examined, and afterwards absconds, the trial can be concluded in his absence, no matter what the offence may be.—*Id.*, 230.

8. In India and England there is no legal obligation on private doctors and surgeons to attend wounded persons or assist at the examination of corpses. On the continent such an obligation exists. In Germany the *post-mortem* is made in the presence of a judicial officer by two doctors, one being a doctor attached to the Court.—Germ. P. C., 87, 88.

9. A study of foreign codes shows what offences it has been considered inadvisable to entrust to the decision of a jury. In India cases of homicide and offences against property are tried by jury in those districts where trial by jury is in force. It has been found that native juries are too prone to convict dacoits, previously convicted thieves, &c., whereas many murderers escape scot-free. The rule in England that the jury must be unanimous, leads to the acquittal of many guilty persons. The general rule in continental countries is that a majority prevails: Where the numbers are equal, the accused gets the benefit of the doubt.—Ital. C. P. C, 492, 505; Fr. C. P. C., 347; Germ. C. O. J.\* 198. In Scotland the jury consists of fifteen, and a majority suffices.—2 Hume, 308. In France a simple majority suffices for a verdict of extenuating circumstances; for aggravating circumstances, a majority of two-thirds is necessary.

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\* Code of Judicial Organisation.

10. On the continent generally the accused must be defended. If accused has no defender, the Court appoints one for him.—Fr. C. P. C. 294 ; Ital. C. P. C., 275. In India, as in England (except in cases of treason), the prisoner is not entitled to have counsel assigned to him to defend him gratuitously. In Scotland, every prisoner, however poor, is entitled by Statute 1587, c. 91, to have a counsel to defend him. In Germany, the accused must have a defender, if the offence be a crime, and he demands one ; also if he be deaf or dumb, or under 16 years of age. Disciplinary punishments are inflicted on advocates who refuse to act, or do their duty in a careless or perfunctory manner.—Germ. C. P. C., 137—146. So in Italy, C. P. C., 632—637.

11. The desirability of examining accused persons is no longer an open question. A bill has been introduced in England to make them competent witnesses in all cases. In India an accused can be questioned for the purpose of enabling him to explain any circumstances appearing in the evidence against him.—342. C. P. C. In Louisiana the accused is told that he is not bound to answer, but that a departure from the truth, or a refusal to answer without assigning a sufficient reason, must operate as a circumstance against him.—P. C., 173. In several American States a defendant may testify in his own behalf, and may be cross-examined in full like any other witness. In Austria (179, C. P. C.) the accused is invited to answer clearly and truthfully. If he answers with cunning and either denies the accusation or affirms to be ignorant of the facts which are charged against him, the Judge must make known to him with "increasing energy" that a lie in presence of the evidence will not avail ; and though promises, threats, force, or tricks are forbidden, he must with "decent earnestness" insist on his stating the truth. The examination of the accused is perhaps the most important part of the trial in France. There are several Statutes in England, under which accused are already competent witnesses, *e. g.*, the Mines Regulation Act, 1872, Licensing Act, 1872, the Conspiracy, &c., Act, 1875, Explosives Act, 1875, Employers' Liability Act, Criminal Law Amendment Act, 1885, Margarine Act, 1887. By the Law of Evidence Amendment Act (40 and 41 Vict., c. 14, s. 1) a defendant is in certain proceedings a *compellable* witness.

12. Should the right of appeal be enlarged in England, and curtailed in India ? The long ladder of appeal and revision in India often causes failures of justice. Should an Appellate Court have the power to enhance ? All Appellate Courts in India used to have this power, but it is now possessed only by the High Court. The power to enhance is very necessary in India, where almost every convicted person appeals, and where

native magistrates sometimes impose very inadequate sentences. In Germany where the public minister appeals, the sentence can be enhanced. In India (417, C. P. C.) the local Government can appeal against a sentence of acquittal. Revision, often after appeal, is carried to an absurd excess in India. The limitations on revision (or cassation) in Italy, France and Germany may well be adopted by the Indian Legislature.

13. In India there is a Chief Magistrate in each district, who can institute cases on complaint, on a police report, on information received from any person, or on his own knowledge or suspicion that an offence has been committed. So, on the continent, there are public prosecutors attached to each Court, who have similar powers. In England many offences go unpunished, and nuisances flourish unchecked, for want of initiative or preventive powers.

A knowledge of foreign codes is useful to the Magistrate and Judge as well as to the Legislator. Such a knowledge serves as a guide to deciding officers in cases where a broad discretion is given them, or in matters on which their own law is silent; while the Legislator can pick the brains of the best jurists of other countries, and extract from their codes whatever he considers suitable for the country and the people for whom he has to legislate. I have noted above what seem to me to be some of the more salient points on which the provisions of continental codes differ from English or Indian law. Their contents may advantageously be studied on the following matters also:— Recruitment of the judicial service, suspension and removal of judicial officers, obligations of private persons to arrest, give information, or assistance, prevention of nuisances, tender of pardon, execution of punishment, bail, transfer of cases, &c. The laws of different nations must differ more or less owing to differences of climate, character, manners, customs, and morals; but it must always be an aid both to Courts and to Legislators to know something of the laws of other countries; and a diffusion of such knowledge must tend to reconcile such differences, or at least to make them less manifest and acute—a consummation which in these days of universal touring and travelling is surely to be most devoutly desired.

II. A. D. FILLIPS.

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## ART. V.—THE MYSORE FAMINE OF 1876-78.

FAMINES have become so well known in India, and loom so ominously in the future, that they have acquired for themselves a nomenclature of their own. We have "famine campaigns," "famine codes," "famine carts." The word famine has taken a strong hold upon the minds of the people, and in the parts of the country where its ravages have been the most felt, the last forms the epoch from which all other events are dated. A famine touches the people of a district that it visits more acutely than anything else—more than war or pestilence. Of these two the former may not injure them much, while the latter takes off its victims in a short time—it may be only a few days or hours, and then it passes away. But famine may linger for months or even years, and slay its millions by the slow process of starvation. As famines may happen at any time, it is well to know what was done when they have presented themselves on previous occasions, in order that those who may have to meet them in the future, may try to avoid the errors, and imitate the successes of previous administrators.

The Mysore famine, though not on so large a scale as that of Madras or Bombay, was, in many respects, more terrible, more unique, and if I may so say, more picturesque. Before giving an account of the famine itself, it is necessary that something should be said about the province, especially as the physical features of the land caused a difference between this famine and that in other parts of India.

Mysore is wedged in between the Madras and Bombay Presidencies, and it may be defined as a triangular table-land very uneven on its surface. On all sides, except the North, it is surrounded by mountains, which form the boundary of the plateau of which it consists. The general elevation rises from about 2,000 feet above sea level along the northern and southern frontiers to a little more than 3,000 in the centre. The surface is, as I have said, very uneven; there is probably not a square mile in the whole surface absolutely flat or approaching to it; the slope of the ground ranges from ten to twenty feet per mile in the more level portions, and as high as sixty and eighty feet elsewhere. Mysore is divided into two unequal parts, called the Malnad and the Maidan, literally the mountainous and the level. The former, the smaller portion, lies to the west of the province, and borders on the Western Ghats. It consists of mountains and forests, and contains some of the finest scenery in Southern India,

though it does not attract many visitors. From the foot to the peak of each mountain vegetation abounds, and it is here that some of the best coffee estates are to be found. Here are magnificent forests of teak and other trees, and the land, where it has been cleared, is so fertile, that it only requires to be scratched in order to produce abundance. The population is very sparse, but as land becomes scarce, it is sure to be brought under cultivation, and will then support thousands where it now only supports hundreds. The Maidan comprises the remainder of the province, which is, as I have said, undulating throughout. In the South and West there are several passes down which Hyder Ali and Tippu marched their ferocious followers to ravage the low country ; but during the famine they were crowded with thousands of poor starving creatures vainly attempting to fly from the evil that pursued them.

One peculiarity of Mysore is its irrigation system. The following is the account Mr. Rice has given of the way the land is watered :—"The streams are at every favorable point embanked in such a manner as to form a series or chains of reservoirs, the outflow from one at a higher level supplying the next lower, and so on, all down the course of the stream at a few miles apart. These tanks, varying in size from small ponds to extensive lakes, are disposed throughout the country to the number of 37,682 ; and to such an extent has the principle of storing water been followed, that it would now require some ingenuity to discover a site suitable for a new one. The largest of these tanks is forty miles in circumference." Channels are made to convey the water from these tanks over the adjoining tracts of country, and as the land is very uneven, their total length is very great ; it is believed at present to be not far from 2,000 miles. The tanks had somewhat fallen into disrepair before the famine, but are now being restored to their pristine condition. It will thus be seen that Mysore has to depend upon itself for its irrigation : there are no large rivers from which channels may be cut to bring water that has fallen in other parts of the country. The tanks have to be filled every year, and if the rains fail one season, there must be scarcity, if not famine. The tanks of which I have spoken form the only system of irrigation, and no water can be obtained from rivers ; hence the anxiety about the fall of the rain ; for upon it depends the whole cultivation of the province. No rivers like the Krishna, Godavery, or Cauvery contribute their waters to supplement the fall from the clouds ; and while the climate is better than that of the plains, the ryot has to fight a harder battle with nature.

As in other parts of the world, the physical features have had an influence upon the people; they are a better class of men than can be found in the lowlands,—more sturdy, more independent, and more thrifty. There is perhaps as much difference between a Madras ryot and a Mysore cultivator as there is between a Maryland planter and a Connecticut farmer. The method of cultivation is somewhat different, and the anxiety with regard to rain, the fall of which is more irregular than on the plains, makes him more observant than his brethren of the same class in other parts of the country. His thriftiness stood him in good stead when the famine arrived, for had not each ryot had a small hoard of money, the mortality would have been even greater than it was. The loss of life was great enough in all conscience as I shall show, but the comparative thriftiness of the mass of the people—the cultivators—prevented it from being still greater.

The rule of Mysore at the time of the famine was by a Commission, the British holding the country till the Maharajah came of age, and preparations were about to be made to hand over the reins of Government, when the famine burst upon the land. The rule had been fairly good; justice had been done; the revenue was not excessive, and the province stood well as compared with other parts of the country. The rule was of a less rigid kind than that of the Regulation Provinces, and official routine was less iron-bound than that of the parts of the country where the Regulation rules prevailed. But the Commission broke down completely when an extra strain was put upon it. It did well enough for ordinary times, but it was discovered to be fearfully moribund when extra work was demanded of it. It floundered in the mud of its own utter helplessness, and then sank beneath it, and it was only by help from outside that it was extricated. The Commission only acted according to the time-honored British principle—never to be ready when a danger arrives. The Irish Famine burst upon the country and the people were allowed to die, not on account of the hard-heartedness of the public or ministers, but simply from the want of that common sense and precaution which should have suggested what ought to have been done. The Crimean War found England in a state of unpreparedness unexampled in history, and thousands of graves of British soldiers were the result. The Indian Mutiny came upon the country when it was in a terrible state of unreadiness, and this was demonstrated by the poor figure some of the old Generals cut in the eyes of the world. The army regained its reputation by its splendid achievements, the Government was rehabilitated, but only after the usual amount of blundering and loss of life. So it was with the Mysore

Commission, and the Mysore Famine. There was the usual bewilderment, the usual delays, the usual vacillations, and it was not until the evil had reached its climax that it was seriously grappled with. The muddle in Ireland, as described by Lord Beaconsfield in his life of Lord George Bentinck when the potato disease made its appearance; the confusion in the Crimea, as pictured by Russell, and the break-down when the Indian Mutiny showed itself, have their counterparts in the utter prostration of the administration when the Mysore Famine began.

The Chief Commissioner was Mr. C. B. Saunders, C. B., an official who had done good service during the Mutiny, but whose health and spirits had given way, and who was not equal to the heavy burden placed upon his shoulders. He broke down completely, and his advisers did not help him much. There was a complete want of system, and of what Mr. C. A. Elliott called "driving power." What was thought good one day was discarded the next. There was a continual cry of—"What is to be done?" to which an answer was not often forthcoming. The whole management of the famine, till it was taken in hand by Mr., now Sir C. A. Elliott, was the essence of muddle. If an official proposed something good, it was vetoed by the Chief Commissioner, or if the latter did happen to agree with the proposal, he gave his sanction too late to be of much use. Affairs took another turn when the Viceroy appeared on the scene, and placed the management in other hands; but before this took place, some hundreds of thousands of lives had been lost. Such a spirit of helplessness had rarely been seen before, but I am not certain that we should not see it again should a similar calamity occur.

The following short sketch of the Mysore Famine is the result of personal observation: It is remarkable that rain, the want of which was the proximate cause of the famine, was a factor in increasing its intensity. The rainfall of 1874 was a heavy one throughout Southern India, especially in Mysore, and the result was that the water got into the pits where the people stored their *ragi*, the staple food of the masses, and spoiled a good portion of it. There was but a scanty fall the next year—twenty-two inches against forty-three of 1874—and this quantity was very unequally distributed. Famine may be said to have begun this year, though it did not culminate till the end of the next or the beginning of 1877. In this year, (1875) the ryots applied for remission of the land tax, as their fields had not yielded their usual increase and the reduction had, in many cases, to be made.

The year 1875 closed darkly, but it was hoped that the next

would be brighter—a hope doomed to disappointment. Mr. Saunders was away on leave during the earlier months of the year, and Mr. Dalryell who acted for him, took a trip into the district and found matters to be in any thing but a satisfactory condition. But the rains would put every thing right it was said, when they fell; the land would yield its increase; food would be plentiful; and all fears would vanish. When the early monsoon burst, matters looked promising. There was a fair downpour, but unfortunately it stopped early. It was then hoped that the later monsoon—the North-East—would come to the rescue, and fill up what was wanting. But when the time arrived, the rain did not come, or very little did, and then the terrible word “famine” began to be whispered. Hopes were raised in the beginning of September by a fair shower of rain that fell, and it was hoped that it was only the first fruits of a larger downpour. I visited the place soon after the rain had fallen, and was much struck with the different appearance it presented from the parched-up plains around Madras. Those whom I met appeared to be of good heart, believing that the monsoon which had begun would prove sufficient and set matters right. A month after I went to Bangalore to settle there, and I found a great change for the worse. No rain had fallen during the time I was away, and it was plainly to be seen that scarcity, if not down right famine, would have to be grappled with. Even had the rain fallen in October, there would have been a great amount of want, for as the early crops had failed, it would then have been too late to sow again. The ground looked as dry as it did in the month of May, and the sky every day presented a cloudless appearance. Only one shower of rain fell after this, during the year 1876. Mr. Saunders had returned from leave, and resumed his duty as Chief Commissioner, and, from this time may be dated the terrible blunders, shortcomings, and vacillation—the result being a frightful loss of life that made the name of Mysore a byword throughout the earth. During the year a little money was doled out here and there on small works which was generally wasted, but no plan or system was thought out by which the famine, as a whole, could be grappled with. It is clear that the Chief Commissioner, and some of those about him could not comprehend the danger the country was threatened with, and so felt inclined to let matters slide.

A little vigour was displayed in the beginning of November; a meeting of the inhabitants of Bangalore being held on the second of the month, when the Chief Commissioner presided, and subscriptions were asked for to assist the distressed. It was clear to the most sanguine temperament, that all hope of famine passing away was gone; that it had to be faced in all



its rigour, and that vast preparations were required. Subscriptions came in freely, but these were only a drop in the ocean. Both public works and charity were required, but mismanagement was stamped upon every act of the Government of Mysore, the result being that lives were lost, and far more money was spent than would have been the case if a proper system had been adopted. The kitchen was now brought into existence—an institution that played an important part in the famine for months afterwards. It was simply a place where food was cooked and given to the people, who ate it and then went away. The weak points in this system can easily be imagined. When large crowds put in an appearance, the stronger ones would obtain food, while the weaker, who required it the most, had often to go without. There was also a vast amount of speculation going on in connection with these kitchens. The recipients might have to come a long distance, and it was no unusual occurrence for some of them to drop down by the wayside and die. The system was a bad one, and it had to give way to enclosed camps. The Committee formed in Bangalore did good work, but it could not cope with the daily increasing destitution that arose on all sides. Reports came in from all parts of the province of the terrible ravages that the famine was causing, and the number of deaths taking place. The people fed at the kitchens increased, but the number employed on public works did not increase in the same proportion, and this was the case till a better system was introduced.

The end of the year 1876 drew towards its close, preparations were made for the Assembly at Delhi, and the young Moharajah was taken there by Mr. Saunders, Mr. J. D. Gordon, the Judicial Commissioner, acting as head of the administration. This gentleman infused a little vigour into the working of the province, but he was not able to accomplish much. Affairs were sliding down hill fast, and it was not till the bottom had been reached, that an attempt was made to stop the movement. In February, Sir Richard Temple came to Bangalore as Famine Delegate and brought as his Secretary Mr. (now Sir Charles) Bernard. Sir Richard was of opinion that the famine was being more economically worked in Mysore than in the Madras Presidency. He appeared to be bent on economy, and the ghost of the "Black Pamphlet" seemed to haunt him. In an interview I had with the Delegate, he told me that the Mysore Government was doing well, and working far more carefully with regard to money than was the Madras Government. He appeared to me morbidly nervous on the score of expense, and his maxim was that life must be spared, but that it must be done at the least possible cost. Altogether Sir

Richard took a far too optimistic view of things, and went away with far too good an idea of what was being done in the province. He afterwards found out his mistake. In March, the evil began to develop itself rapidly. At the beginning of the month there were only 23,294 persons receiving food at the kitchens, while on the 31st the number had risen to 57,774. At the same time there were only 55,687 on relief works. This fact shows how thoroughly the system had broken down, and how utterly demoralised the administration had become. The money given by Government was frittered away on small and insignificant works which could not be properly superintended, and it is not too much to say that it was all but wasted. A water famine also stared the people of Bangalore in the face, but happily a good fall of rain came down on the evening of the first of April, and thus helped the place to tide over the difficulty, till more fell a few months later. Had it not been for this shower, the loss of life would have been much greater than it was; consequently it was welcomed as rain rarely is, for it saved Bangalore from a dire calamity. Disease would have been sure to set in with frightful severity, and might have swept the province, and more especially Bangalore of many of those whom the famine spared. This downpour brought hope to the hearts of the people, but it soon died out. For the shower was not the harbinger of more to come. April passed, but the clouds did not drop their treasures. May came, and only a few showers fell; and matters were the same in June and July. There were showers, but the monsoon was a failure; the people, depressed before, lost heart and hope entirely, and gave themselves up to despair.

They knew that if another year of famine fell upon the land, it might be turned into something approaching a desert: the villages might disappear, the towns dwindle into villages, and desolation reign supreme. The few showers that fell prevented such a catastrophe, and the fall later on brought about a better state of things. But the mismanagement became greater every day; there was little or no control over the relief kitchens, the public works were few and insignificant, and the waste of life was appalling. To show how utterly disorganised affairs had become, it may be mentioned that at the end of July, there were 1,64,439 people in the relief kitchens, while there were only 25,876 on the relief works. The people were crowding into the large towns, Bangalore receiving an increase of 2,500 all famine stricken, while the dead lay by the side of every road in the province. In fact Mysore resembled the land Ezekiel saw in his vision—"a valley of dry bones."

It is eleven years since the Mysore famine was at its height,

and during this time so many people have left the country, so many changes have taken place, that practically a new generation has arisen—a generation that knows little or nothing about famine. Unlike the ravages of war, which may sweep over a country and destroy everything in a day, famine is gradual in its operations. It is not at the outset that the people realise what it means. The wage-earning classes are the first to suffer. Their employers cannot help them; they are thrown on the world, many of them to die. In Mysore these men were the first to repair to the relief kitchens, but comparatively few got through the crisis unscathed. Many of the working classes wandered away to the coffee plantations, and though the planters did all they could, their sufferings were very great. Those who administered to the comfort or necessities of the community were the next to feel the pinch of want: the weaver had to put away his loom, the barber's razor could not be employed, the services of the village artisans had to be dispensed with, the result being that these people had nothing to live on except what might be doled out to them in charity, and many of them soon succumbed. If they wandered away, they found others as badly off as themselves. The last to be reached in Mysore was the ryot. He held on the longest, and tried his best to weather the blast, but he had to go under at last, and with a heart-rending wrench he tore himself away from his home. Day after day we may fancy him scanning the clouds, day after day he looks at his parched fields, the rain will not come down, "the earth is iron, and the sky brass," and he can see no hope anywhere. Most of his cattle are dead, and he can only keep the rest alive by tearing off the thatch from his house, and the leaves from the trees if these leaves have not been withered. He cannot eke out his food with the herbs of the field, for they are dried up and cannot be found. Most of the people of his village are either dead or have left, and so, collecting all he can take with him, he and his family move away. There may be a relief camp not far off, but he will not go there, for this he fancies would degrade him in the eyes of his people; so he and his wander on hoping that they may find a place of rest; but they find it not. The skeletons of those who preceded them lie by the wayside, sad omens of what may happen to them. Some one falls out and dies; there is no time to weep and still less to bury the corpse; so it is left where it fell; another falls a victim in a short time, and so on, till the party becomes very small. Perhaps only one out of the number is alive at the end of the journey, and this one in a most deplorable condition. On every road throughout the affected districts such scenes were of daily

occurrence, and the loss of life was appalling. Hundreds of villages were entirely deserted, and many have not yet been re-occupied. From one end of Mysore to the other there was one death wail. It might be said of the province as was said of Egypt on a memorable occasion—"There was not a house where there was not one dead."

The famine culminated in August, and had the destruction of life gone on as it did during that month, in a short time the whole province must have been depopulated. Many of the people seemed to be possessed with the idea, that the further they went away, the more likely were they to be relieved. Many went off to the coffee plantations of the Mulnad Wynaad and Coorg, and though the planters did their best to assist them, the loss of life was fearful. Four miles from Bangalore on the Madras road, there was a relief camp placed, and those in charge had orders to stop any one in distress from coming into the town; but they evaded the vigilance employed, and the population was increased by 25,000 who had come into Bangalore from outside, most of whom were in the most miserable condition. The *Graphic* had a heart-rending picture during this year styled "Forsaken," and this was no fancy sketch; there were hundreds of such scenes throughout the province. In July and the two following months, it was necessary to send out a search party every morning to pick up the dead in the streets of Bangalore, and in ten days in August, forty-one dead bodies were thus accounted for. The miserable creatures had crowded into any shelter they could find to lie down. I may here mention one incident that came under my observation. Going out one morning, I saw somebody lying down a little way from the road covered with a cloth. Returning about an hour afterwards I saw the same cloth and the person underneath in the same position as before, and I could not detect any movement whatever. I took off the cloth, and to my horror found two young children of about eleven and nine years of age, both dead. I shall never forget the look of those two poor little creatures. Their eyes were wide open, and the look on their poor emaciated faces haunted me long afterwards, and even now their eyes seem to gaze at me from the paper on which I am writing. They had, in all probability, wandered the night before from some neighbouring village, and lying down, had died. At the end of August, there were 2,27,000 receiving gratuitous relief, while there were only about 53,000 on relief works of all kinds. The people were fed in the morning at the kitchens, and spent the rest of the day wandering about the place begging or stealing, and often carrying disease along with them. The culminating point, as has been remarked, was reached in August.

At this juncture the Government of India came to understand the condition of Mysore, and the Viceroy determined to visit the province in person. It was a marvel to many that he should not have gained accurate information of what was going on long before. Perhaps it was partly due to the favourable reports sent in by Sir Richard Temple. There was also the natural instinct to believe that matters were not so bad as they were represented to be; it was believed at Simla that the newspapers exaggerated; that the accounts they gave could not, by any possibility, be true. He arrived in Bangalore on the 7th of September.

From this day a new era in the Mysore Famine may be said to have commenced—it was seriously taken in hand. The Viceroy remained three days in Bangalore, and during those days plans were drawn up for a complete change in the famine policy of the province, and it is not too much to say that defeat was turned into victory. Major Scott Moncrieff and Mr. Elliott made a report to His Excellency on his arrival, and the first step was to draw up a Famine Code for the guidance of all concerned. But the management of the famine was practically taken out of the hands of the Chief Commissioner and placed in those of Mr. Elliott, who had Major Scott Moncrieff and Mr. Wingate to assist him. Mr. Saunders was left to carry on the ordinary work of the administration. This was a wise step, and ought to have been taken before. What they had to contend against may be seen from the following extract from the Report of the History of the Mysore Famine, by Mr. Elliott.

“One essential feature in any scheme of reform was obviously the closing of all, or most of the small civil works, and the opening in their stead of a sufficient number of large works to be supervised by the officers of the Public Works Department, on to which the paupers now in the kitchens could also be drafted. The numbers which had to be dealt with according to the figures of the 1st September in the districts most affected by famine were as follows:—

	KITCHENS.	CIVIL WORKS.
Bangalore	1,03,172	10,268
Kolar	24,064	4,571
Tumkur	45,197	4,849
Chitaldrug	35,447	5,029
Total	2,04,880	24,717

“Assuming, as was thought at the time, that half the people in the kitchens would be fit for work, and could be drafted on to it, these figures show that it was necessary to provide work for 1,27,000 people, and to employ them at least three months.

Moreover, whatever might be accomplished in time towards moving the people long distances to work, it was felt that to begin the new system on this principle, would be to throw an unnecessary difficulty in its way, and that the work should be provided for the paupers not at their own doors, but at least in their own districts."

There are many passages in Mr. Elliott's report that tell a far worse tale than the one I have quoted, but a new spirit was infused into those who were struggling against famine, and from this time they tried bravely to overcome it. The code drawn up for the use of those engaged on famine work proved to be of the greatest service. I cannot say much about this production, but I must notice one or two points. The following paragraph forms the most salient feature of the Code :—"The backbone of the famine policy is the employment of all suitable applicants for relief on large works of permanent utility, superintended by professional officers of the Public Works Department. It is the duty of the Civil Officer to decide who are suitable applicants, *i. e.*, who are sufficiently able bodied for labour." In the present state of this province, it is not intended, until a crop is harvested, that any applicant should be rejected on the ground of being too well-to-do, provided he submits to the three tests :—

(1.) "The distance test—which shows that he is willing to labour at a distance from his home, but returning there at night for being huddled on the work.

(2.) The wage test : That is, that he receives a wage calculated to provide a bare subsistence for himself, but not enough to support any non-working members of his family.

(3.) The task-work test : *i. e.* that he performs a daily task proportioned to his strength."

The code laid it down as an axiom, that the main object in opening and carrying out a relief work, was not for the sake of the work, but for the sake of the labourers employed on the work. It was the neglect of these simple rules that caused so much disorganisation, so much loss of life, so much impoverishment of the province. The whole system of famine relief proceeded on the lines here indicated, and hence the improved condition of things in a short time. The feeding kitchens were closed, and relief camps were established in their place, in which the people had to remain, the infirm and old altogether, the young and strong, till they were able to work.

Lord Lytton had to contend with another obstacle when he reached Mysore. The Public Works Department, which ought to have taken a leading part in the work of famine relief, refused to carry out any works except on the ordinary contract system, in other words, the head of the department, Colonel Sankey

refused to go out of the ordinary routine, although the condition of things was perfectly abnormal. He was willing to take able-bodied men and no others, while he recommended that the famine-stricken should be placed under civil officers. Lord Lytton accordingly explained his views to him at some length, first in a private interview, and afterwards at the Conference which he held with the Chief Commissioner and other officers, but Colonel Sankey persisted in objecting to the employment of his departmental organization for the supervision of real relief works. The result was that the Viceroy told Colonel Sankey he "did not grasp the situation," and sent him to Simla as Deputy Secretary to Sir Andrew Clarke, and Major Scott Moncrieff took his place. By October matters had been put on a good footing, and the famine was beginning to be brought under. Extra hands were brought in from all parts of the country to help, and everything had to give place to the necessities of the people.

The amount of money required for famine operations was very great, and the Government could only undertake to give the people just enough to keep them in health. But many had lost all they possessed, and they did not know how to start in business again. The ryot had lost his bullocks; the carpenter his tools, the weaver his loom. Where were they to obtain money to supply themselves with the articles necessary to begin life again? This was forthcoming and in abundance. The great heart of England was stirred to its depths; the people heard of the distress in this land and determined to relieve it. The outcome was the Mansion House Fund, a good portion of which was sent to Mysore. It was a perfect god-send, and it kept thousands of men, women, and children alive. The Government could only give sufficient to keep the people alive, but the money from England supplemented the amount given, and filled up what was wanting. When it was known how the people of India were suffering, when the great cry of distress reached the English people, there was no stint. Wherever they were to be found—in the British Isles, in Canada, in Australia, in the West Indies, at the Cape—they felt it their duty to contribute freely to the necessities of the poor people who, though they did not belong to them by nationality, belonged to them by citizenship. There was only one heart throughout the whole British Empire, and that heart felt the utmost compassion for the poor Indians who were dying of famine. By the help of the Mansion House Fund the people were able to tide over the difficulty, the monsoon rain fell in good quantities, the earth began to look bright again, and though matters did not altogether right themselves for years—perhaps have not done so yet—they began materially to improve

The ryot saw there was a chance of his fields yielding a return for his labour, and he worked with a will. Famine operations did not stop till some months of the year 1878 had passed, but the worst was over by the end of 1877.

I should now point out some of the causes that led to the terrible breakdown. As I have already said, there was no system. The famine was allowed to have its own way till it had assumed gigantic dimensions. No great works were taken in hand, and at the present time scarcely any thing worth mentioning can be pointed out as having been done during this period of suffering. The railway from Bangalore to Mysore was waiting to be constructed, but not a rail was laid, not a sod was turned, and the forty-six lacs of rupees in the Treasury when the famine began, were not only spent, but a debt of eighty lacs was contracted. The Mysore famine displayed very conspicuously the weakness and the strength of the British Government. It brought out prominently the weak points of the administration, and among these must be set down the destruction of the village system. This system has been the saviour of India, while at the same time it has prevented the people from becoming a nation. The village was—and is now in some parts of the country—a perfect model, a republic that Plato might have envied. It had its headman and its subordinates, each knowing how, and ready to perform his duty; each falling into the exact place he was expected to fill. Army after army swept over the land, but as soon as each had passed by, the ryot began to cultivate his fields, the bunyah to sell his goods, the Brahmin to read his sacred books. It did not matter who governed the land, so long as he did not very much oppress the people, and let the village system alone. The cultivator paid his assessment to the agent of the Great Mogul or of the Company, and tilled his fields in peace as if men of his own blood ruled over him. Matthew Arnold has well described the feelings of the Indian people when their land was invaded—

The East bowed low before the blast  
In patient deep disdain,  
She let the legions thunder past  
Then plunged in thought again.

As regards the great mass of the people, they plunged into work; it was only the priestly caste that had time for thought. But what the tyranny of the Mahomedan and the Mahratta could not accomplish, the better rule of England has done: it has loosed the bands of the village system; it has destroyed the polity that had so long been in force, but unfortunately it has not given any thing in its place. The system took centuries to build up, and it may take many years before the



new measures we are introducing take root in the soil. If the village system had been taken in hand and we had worked up to Municipal institutions, these would have been a far greater success than they are likely to be for a long time to come. The villages of Mysore, in former times, were by no means badly managed. Hyder Ali and Tippu oppressed the people grievously, but they did not destroy the rule of the village Chiefs. In the olden times each village kept a stock of grain on hand for a time of need, and all contributed towards what was common to all. When famine broke out, and the private stocks had been used up, the public granaries were indented on. Such a system may appear an anachronism in the present day, when political economy is supposed to sway all business transactions. It does not square with the notions of the nineteenth century to go back to a custom that prevailed in the time of Joseph; but if the people are not much more advanced than were the subjects of Pharaoh King of Egypt when Joseph was his Vizier, it is only natural and right that they should have customs equally simple. The principles of political economy enunciated by Adam Smith, Mill and Fawcett are only suited to a more advanced state of society than is to be found in an average Indian village, and a good deal of injury has occurred on account of the application of these principles to a people who could not, by any possibility, understand them. It was a common saying among the villagers before the famine in Mysore, that the railway had caused great injury to the Province; and there was a modicum of truth in this. It enabled the people to sell their grain with the greatest ease, and as they were ignorant and uninstructed, the money was spent as soon as it came into their possession, and when the day of want arrived, they had neither money nor grain. This might not have been the case with those who lived remote from that part of the country through which the railway passed, but it held good with regard to those villages lying near it. Besides, if they had saved the money they obtained for their grain, it would not have bought one half the quantity during the famine time as that which was sold during a time of plenty. It is to be feared that it is too late to restore the village system in its entirety, and the only available plan now is to instruct the people to be more careful in a time of plenty, so that they may have something when want comes. As matters now stand the villager is in an anomalous condition. He feels the effects of the new order of things, but he is not profited thereby, while he suffers from the changes that have been introduced. The merchant and the shopkeeper may grow rich; the artisan,

and even the coolie may obtain good wages, and profit in every way by the development the country has undergone, and the good government that has been introduced; but a good time for the ryot has not yet arrived.\* Unfortunately the education we are importing does not permeate downwards, and when a youth attends an English school and passes an examination, he looks upon himself as separated from the great body of the people, although he may have risen from it. Till we have changed all this; till we have given the ryot an education suited to his wants,—an education that will help him to fight the Sowcar and the Bunyah and to save all he can against a time of need, till then we shall have to assist him, and with no sparing hand, when the time of need arrives.

I have spoken of the weakness of the British Government, but I must also say something about its strength. When it became known that help was required, the Government gave it, and most unsparingly. Millions were poured forth from the Treasury, and when the British people knew how matters stood in this land, they sent half a million sterling to relieve the sufferers. A weak Government could not have done this. The ryots might have had more food at the beginning of a famine, but when this was spent, they could not expect anything more. During a famine in Mysore in 1833, the Maharajah ordered prayers to be offered up, and Brahmins to be fed, but little more was done. When the Government understood what was required, there was no holding back, no lack of energy; but it was displayed too late. As the Government had destroyed the old order of things, it should have stepped in and filled up the void. In other words the authorities should have been prepared for the calamity that fell upon Mysore, and for similar calamities that happened in other parts of the country, and should have taken measures to prevent the scenes that caused such horror wherever they were heard of.

It is to be feared that if famine were to break out now, surprise and confusion might again be the elements most conspicuous. The lessons of the famine, have been partially if not entirely forgotten, and we seem to think that a calamity like that of eleven years ago will never happen again. Famine should be looked upon as an event that may always be looming in the near future.\* The code should be studied by every official of Government, and it might well form a part of the many examinations that the youth of this land have to undergo. It would be a far more fitting subject, than many they have to take up, and would keep the idea of the recurrence of famine continually before their minds.

In the next place, there should be officers appointed who could be placed on famine duty as soon as it made its appearance in any district, and they should be held responsible for all the information required on the subject. I would also have famine parades, something after the fashion of the sham-fights that are frequently gone through by the troops that garrison this and other stations. The army of the United States of America might be taken as a model for the formation of a famine department. In that country they have a number of officers, many of whom are in civil employ, but who can at once be called to the colours should war break out. They do not forget what they have learned about military tactics, and as was shown in the Civil War of nearly thirty years ago, they can perform good service. In the same manner the officers who would be told off for famine service might be Collectors, or hold any other post, till their services were required in the special department. This would prevent the confusion that prevailed during the famine of which I have been speaking. Above all, the lines of railway should be laid down in the districts likely to be most affected by famine. A number of lines were talked about when the famine was over, but these have not yet got beyond the "paper stage." Had it not been for the single line of rail running into Bangalore, a few more hundreds of thousands of people would have died. As it was said on a memorable occasion, that the telegraph saved India, so a single thread of railway saved the Province of Mysore.

Meteorologists tell us that we must expect famine at certain periods, that, whatever the cause, the effect will be much the same in all ages in a tropical climate like India. Consequently those in power should always be ready to meet the emergency whenever it may arise. It is highly important that there should be some great public work ready to be taken in hand as soon as famine is visible. The want of such works was a marked feature in the famine administration of Mysore.

But what most proves the Mysore administration to have been a terrible failure, is the number of deaths that took place, most of which might have been prevented. It is computed that 1,250,000 died during the famine and from its direct effects. How many died from the indirect effects, can never be ascertained. The seeds of death were planted in thousands of people, and and these germinated sooner or later. Scanty fare did its work on the young and the weakly, famine fever shattered many a strong constitution, death being the result, though not immediately. But the after-results have not been taken into consideration, although they were very great. Let us consider for a moment what is meant by these losses, and we cannot do

better than compare the number of deaths with the number of people in some well-known places. Suppose an epidemic occurred that carried away one-fourth of the inhabitants of London; still the number lost to the world would not be so great as those who died in the Mysore Famine. The sufferers by this calamity would amount to about the same number as half the population of Paris, and more than that of Berlin. If the towns of Liverpool, Birmingham and Manchester were to be swept out of existence, the number of lives lost would be about the same as the number of those who perished during this terrible famine. And those who died of—mismanagement. Their bones lay scattered about the province, mute accusers of those who had allowed them to perish. Those who witnessed the horrors of the 1876-78 famine, whether in Mysore or in Madras, will fervently pray that so terrible a calamity may never overtake the land again, and that if it does, the administration may be fully prepared to meet it.

F. GOODALL,

BANGALORE,  
*The 25th August 1888.* }

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## ART. VI.—NOTES ON CRIMINAL JUSTICE.

WHEN an offence has been committed, it is, or should be, the desire of society that the offender may be punished. Before this can happen, he must be brought before a tribunal, and proof must be given of the offence with which he is charged. There are many causes in India which hinder this.

The first link in the chain is the attitude of the people. They may be actively helpful to the cause of Justice, or they may be actively helpful to the Criminal, or they may be neutral. Where the system of trial by jury is the law of the land, there are two ways in which the people can aid or obstruct the cause of Justice. As witnesses they may eagerly, or at least willingly, come forward to depose to what they know; and generally, as citizens, they may assist at the inquiry stage of the proceedings. As jurors they may aid at the trial stage by intelligent appreciation of the evidence, and by conscientious deliverance of their verdict in accordance with the terms of their oath. A very good illustration of the effect of sympathy between the people and the criminal is to be seen in Ireland, where, in agrarian cases, witnesses will not depose, and jurors will not convict. In India many causes go to minimise the assistance which the administration of Justice obtains from the people. The permeating influence of caste has to be reckoned with. If a Brahmin or (in Behar) a Rajput is involved, the difficulty of obtaining evidence is immensely increased. Territorial power has to be reckoned with. A zemindar has no trouble in getting witnesses to lie or to hide themselves. If it is a case of *cherchez la femme*, a whole village will combine to throw dust into the eyes of the investigator. If there is one class of cases in which the citizen in India is actively helpful to the cause of Justice, it is with regard to offences against property, notably dacoity, an offence which throws the villagers into paroxysms of fear, under the influence of which they will overshoot the mark\* and swear to the identity of any one against whom they have the remotest suspicion. But otherwise, when they are not actively helpful to the criminal, their attitude towards him is one of benevolent neutrality; for in any case there is the well-founded dread of a police visitation. How many informations of crime have been suppressed owing to this one cause alone, it would be impossible to say, but any

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\* [The Local Government lies under a heavy responsibility in permitting the trial by juries of cases of dacoity and murder. This was pointed out in an article on "Trial by Jury in Bengal" in this *Review*, January 1888.—ED.]

officer of experience will indorse the opinion that the number is legion.

The jury system is sporadic in this country, and its influence is limited, but even here we can trace the effect of sympathy between the citizen and the criminal. I have frequently heard a Judge of long experience say, that he never expected a verdict of guilty from a jury in a bad murder, (that is, a murder in which hanging must follow conviction), however clear the evidence was, but that in a dacoity he was quite prepared to find the jury convict on the weakest testimony. In the matter of murder it is perhaps wrong to say that there is sympathy between the citizen and the criminal; the real cause is the mental attitude taken by the Hindoo in regard to capital punishment. This, however, is a sort of sympathy. Any way the effect is the same.

The next agency in the discovery and punishment of crime that we have to consider is the chokidar. As a rule, (an almost invariable rule, though I have known of a Rajput chokidar), this official is recruited from the lowest strata of society, such as Dosadhs and Dhanuks. In the chokidars is well illustrated the old adage of setting a thief to catch a thief, for the great majority of them are, if not professional thieves, not at all averse to the appropriation of the property of others. The chokidar is the only detective in India worthy of the name, and this arises, not from his possessing the subtle ability and quickness of intelligence which characterise Galorian's favorite hero, but from his intimate acquaintance with the inner history of his neighbours, more especially of those whose characters are bad. He is the one institution which the present rulers of India have taken from the country itself, the solitary non-exotic in the land. In old days he was an officer of the village community, a body of men (to quote Maine), "held together by the land which they occupied," and he found his remuneration in an allotment of land. The tendency of circumstances has been to thrust him into the position of a private servant of the local territorial magnate, and this, of course, is fatal to his efficiency as a public servant. The Legislature has made an effort to counteract this tendency, and, by securing the independence of the chokidar, to remove at least one obstacle to his usefulness. The village committee or Panchayet are entrusted with the duty of appointing and maintaining the village watch, of supervising their work, and of securing the regular payment of their monthly wages. This duty is under the general control of the magistrate of the district. Whether the result has been to attain efficiency is more than doubtful, but one thing is clear, and that is, that though on the surface the change purports to recognise the connection between the

village and the watchman, in reality it is another of those disintegrating influences which English rule has brought to bear on Indian society; it relaxes the common tie which is land; it substitutes money for land. The chokidar now takes his place, at least in theory, in the Police pyramid, and the Inspector-General may derive comfort from the reflection that he, as the apex, has an extended area of chokidars as his base. But whatever may be the tendency, and whatever may be the ultimate result of the movement, its practical effect is to leave the chokidar very much what he was. Without him the Police would be blind. His great claim to distinction is, as I have said, that he is the only detective in India. But the ability to detect, and the willingness to detect are not synonymous, and as the conscience of the chokidar (such as it is) is in a condition of unstable equilibrium, not much effort is necessary to upset it. If a man of importance, either by caste or by wealth, is implicated, his first idea is to "square" the chokidar. And so with the village itself. The process is an easy one, and very rarely indeed is justice attained if the chokidar takes the side of the criminal *ab initio*, and either gives no clue at all, or gives a false one.

If there is one human being whom the ordinary citizen would be content never to see, it is the Policeman. To avoid his dreaded presence crime is concealed and injuries are ignored. When he is called in, his first idea is, "how much can I make out of this?" A secondary, but invariable consideration, is, "how can I obtain good results on paper?" That he should ever feel a conscientious glow of satisfaction at unravelling a crime, or bringing an offender to just punishment, is incredible. Turning to the chokidar for materials to work on, he encamps in the village, lives on the fat of the land, and manipulates the materials to his own advantage. If there has been a theft, and no man has been caught, his only *modus operandi* is a succession of domiciliary visits. He searches the houses of the "badmashes" or bad characters, and of any persons against whom he either has, or says he has suspicion. The Code of Criminal Procedure gives considerable facilities for these domiciliary searches. True, it provides that certain preliminary precautions should be taken, respectable neighbours being cited to attend at the search,\* but I doubt very much whether anything but the most perfunctory attention is paid to

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\* [See section 103 Code of Criminal Procedure. If the provisions of the section have been set at naught, Magistrates are unwilling to convict. For this reason the Police find it "pays" to observe the requirements of the section, and especially in cases in which the accused alleges that the stolen property has been placed in his house by some one else before, or at the time of search. Infringement of the section, we venture to think, is not so common as the writer supposes.—ED.]

these provisions, and nothing is more necessary when a case is being tried, than for the Court to sift with great care the evidence adduced in support of the finding of stolen property.

Another great stand-by of the Policeman, is confession. I do not believe that torture is the most common method of inducing a man to confess. I believe that the chief instrument used is cajolery. Nobody, who has not had judicial experience of the fact, can realise what an extraordinary fool the average criminal is. It is upon this fact that the Policeman trades. Supposing there is more than one person implicated (say A and B,) the Policeman will take A aside and speak to him in dulcet tones as follows: 'You come and tell the Magistrate that you were at home when B roused you up and asked you to go and commit a burglary at the house of the Mahajan; that you at first refused, but eventually went; that B went inside and robbed while you waited outside; then the Magistrate will punish B, but you will be let off, as being a poor harmless fellow who was forced by that villain B into accompanying him, but who really did nothing.' The miserable fool falls into the trap. B is treated in the same way. Both are produced as confessing prisoners as quickly as possible (there never is any delay in these matters) to the nearest Magistrate. Under section 164 of the Code of Criminal Procedure, it is competent to any Magistrate to record the statements or confessions of any person so brought before him, and the law provides that he shall not make such record unless he believes that the confession is voluntarily made, and he has to make a memorandum setting forth such belief. I am of opinion that there are very few Magistrates indeed who intelligently work this very salutary provision. For one thing, it is generally before the most inexperienced and lowest grade of Magistrate that the confessing prisoner is brought. He attaches the memorandum as a matter of course.\*

Discovery of property, confession, and torture are the three implements with which the average Policeman works. He knows the danger of the last too well to resort to it, unless other methods fail; and it is not to the crude and dangerous forms of torture that he generally turns. His first object is to make it very uncomfortable for the person on whom he operates, and it is his habit to run a coach-and-four through that provision of the law which forbids the retention of a man in custody by the Police for more than 24 hours; he keeps him "in attendance." Cuffs, threats, abuse, are freely used, and possibly deprivation of sleep,

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\* [It is only fair to say that, in this matter, all Magistrates are not alike. Many are most particular in satisfying themselves that the confession is voluntary. The tendency to confession is seen very conspicuously in the case of murderers.—ED]



But I am of opinion that the methods of the inquisition are very sparingly restored to, both because they are dangerous and because gentler methods are effectual.

I have spoken of the conscience of a chokidar being in a state of unstable equilibrium ; I do not believe that a Policeman has any conscience at all in matters connected with his work. He may be personally of a weak and gentle spirit, a man who would shrink from murder, but he would not hesitate to send up a man whom he knew to be innocent on a capital charge, if he thought that this would procure a favourable report of his intelligence and zeal. For a good "return," what follies and crimes have not been committed !

It has been the policy of Government to insist that the Police and the Magistrate should be careful to take steps to secure the due punishment of old offenders. Section 75 of the Indian Penal Code provides for enhanced punishment on a repetition of certain offences. The provision is in practice used entirely against old thieves. The Police have taken up the policy with such zeal that they send up an old offender on the slenderest evidence, and some Magistrates are apt to commit the cases without due investigation. Any stick will do to beat a dog with : any evidence is sufficient for an old offender.

On the principle of teaching a boy to swim by throwing him into deep water, the young civilian just out from England, or the successful local candidate for some minor magistracy, is placed at the head of a Court. If he has the luck to serve under an officer who will take pains to teach him, he becomes a valuable public servant in a very much shorter time than would be supposed. In time he will develop a sort of extra sense, which is necessary in this country,—the power of being able to read between the lines ; for to expect the truth, the whole truth, and nothing but the truth from the average witness in India is to hope for the impossible. A man with the best case in the world will spoil it by what he considers improvements ; and there is at his elbow the pernicious influence of the mooktar, a class of men whose influence is altogether evil. As the young Magistrate mounts the ladder, he becomes invested with larger powers, and it may be that he is appointed Sub-Divisional Officer, a post of considerable importance, and one calculated to ripen quickly a good man into a good officer. The Magistrate of the District is not an officer who does much in the way of trying cases, but his supervising functions are of the highest importance, both as the Chief Magistrate and as head of the Police. The Sessions Judge holds periodical jail deliveries, for all cases sent up for trial by Magistrates. And above all is the High Court. The appellate system connects all these Courts, a system which has been carried in India to a

pitch of elaboration unknown in any other country. From the judgment of a Magistrate below the grade of first class Magistrate, an appeal lies to the District Magistrate; from the judgment of a first-class Magistrate an appeal lies to the Sessions Judge; from his judgment an appeal lies to the High Court, which also possesses wide revisional powers.

The pleaders are a very able and useful body of men, who address the Courts in excellent English. It is quite the exception now to meet one who uses the vernacular. The profession is overcrowded, but there is room for barristers in the mofussil. This seems at first sight anomalous, but the fact is that a barrister does not take work away from a pleader; if a man wishes to employ a barrister, he employs a pleader first. I think it would be in every way advisable to divert some of the revisional work into the hands of the Sessions Judges. At present a Sessions Judge is simply a sort of post office to the High Court; if an application is made to set aside the proceedings of a Magistrate as contrary to law, he has to forward the papers to the High Court with a report and an expression of his opinion. Surely it would be saving of time, labour, and expense to vest at least selected Judges with powers of revision. *What more perfect criminal revisional Bench could there be for each district than the Judge sitting with the District Magistrate?\**

The influence of the Press in India on the administration of justice is on the whole good, but it has its defects. In England the Press is everywhere: no court, however humble, is without its reporter, and the fierce light brought thus to bear on every official is of the greatest value. The Press, conscious of its power, is careful to keep its tone high. In India the Press is in its infancy, and has not yet learnt that it has its duties as well as its privileges. This will come in time, but meanwhile many a weak-kneed official is more apt to be frightened into folly by fear of what the Press will say, than fortified in well doing by the anticipation of sympathetic approval. The limited influence of the Native Press, and the fact that such influence is generally pernicious, is one of the justifications for an elaborate system of appeal; but in India appeals against improper acquittals or inadequate sentences are as necessary as appeals against convictions.

It is unfortunately true that there is a good deal of race antagonism in India. In time, let us hope, that the efforts of good men on both sides will eliminate it. But as matters stand

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\* [A good suggestion. But the Reviewer does not say what is to happen in case of difference of opinion. In such case the point should be referred to a Judge of the High Court.—ED.]

there is no class of case which requires such high judicial qualities as one involving race questions. The proverb, "Let sleeping dogs lie" is a good one, and I will say no more on this subject.

The Criminal Law of India is, I think, the best in the world. It is the outcome of all the learning and experience of the English bench and bar combined; perhaps the best bench and bar that have ever existed. Those who have moulded the Indian law have had a *tabula rasa* to work upon, and have been able, therefore, to avail themselves freely of the treasures at their disposal without being hindered by the *vis inertiae* of those for whom tradition is a fetish. The Penal Code—that majestic body of substantive law—remains practically intact as it came from the hands of the Commissioners, a monument to the learning and sagacity of Macaulay and his colleagues. England could learn many lessons from it. For instance, why should not an English Judge have the power to pass a sentence of penal servitude for life, as an alternative to hanging, in a case of murder? The wretched prisoner would then know his fate at once. As it is he has to wait, (and what that waiting means those who have read Victor Hugo will realise) till the Secretary of State has issued his fiat. If the Penal Code has a blot on it (and there are spots on the sun) it is to be found in chapter XX. If Nelson had lived in this country, he could have been sent to pick oakum for five years. Section 497 was passed to meet the supposed wishes of the people of this country, but I do not think that any respectable native of India would care to have recourse, in cases of this sort, to a Court of Justice, where publicity is a necessity. I can call to mind only two instances in which Indians of any status have gone to Court as prosecutors under this chapter. One is that of the Mahant of Tarakeshwar, but nothing would have been heard of that case if Alokeshi had not been murdered by her husband. The other was a Calcutta case in which the offence was also quasi-incestuous and marked by gross breach of trust. As a rule, the section is worked by low caste people more for the purpose of recovering jewels than with any idea of vindicating honour. The whole chapter requires the exercise of a high order of discretion in those who administer its provisions. Bigamy, for instance, is pre-eminently a European offence; one that has to be provided for in the case of people who practise monogamy. It presents its worst aspect in the instance where a woman is deceived into a marriage with a man who cannot make her his lawful wife. In India the normal illustration is, where there has been a child-marriage; and the parents change their minds, or the husband has deserted the wife, and the parents or the village

Panchayet select another husband. As a rule the turpitude involved is of the slightest.\*

Of Judge-made law there is not much in this country. Where there are codes there is not much scope for it, nor are the experiments that have been made very hopeful. It is manifest that under the law as it stands, a conviction may be based on the uncorroborated testimony of an accomplice (I say nothing about confessions), but the Calcutta High Court has so tied the hands of the courts subordinate to it, that it is practically impossible for an officer to sentence a prisoner on such evidence. There must be such corroboration as would, by itself, justify a conviction, so that the provisions as to the tender of a pardon remain inoperative. The law, as existing previous to the passing of the present Evidence Act, is discussed in his usual masterly manner by Sir Barnes Peacock in the case of *Empress vs. Elahi Buksh*, (B. L. R. Full Bench p. 451). This judgment was delivered in 1866. The Evidence Act was passed in 1872. In the case of *Empress vs. Ramsodoy Chakrabutti* (W. R. XX. Cr. p. 19) a majority of Judges held that a conviction on the uncorroborated testimony of an accomplice was not sustainable. The net result is this: In jury cases the Judge is bound to tell the jury that they should not convict on the evidence of an accomplice; in cases tried with assessors, the Judge cannot convict, because it has been held that he ought not to convict. The Calcutta High Court say, "you may, but you must not." The Chief Justice of the North-West Provinces appears to have laid down the law with absolute correctness in the case of *Empress vs. Golurthan* (I. L. R. All. IX. p. 528). What he says is "you may, and you must, but be careful." In that case Sir John Edge has shewn the courage of his convictions, for he has sentenced a man to death in the teeth of an acquittal by a Sessions Court, and of the opposition of a colleague. No one can read the judgment without feeling that he was absolutely right, and any officer of standing will be able to bear out the assertion, that there are often cases, in which a failure of justice follows on the rejection of an approver's evidence. And what are we to think of the soundness of the doctrines laid down in the Meharpore Fishery case? Government sells to A the right of *exclusive* fishing in a river, but says the High Court, if B takes a fish out of that river he commits no offence whatever. To me it seems capable of mathematical demonstration that B does commit an offence. Let us see what happens when B has caught a fish. Whose fish is it? It must

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\* [There have been convictions for bigamy in the Indian Courts as grossly unjust as if a man were to be convicted in England, in spite of his having obtained a legal divorce.—ED]

be either A's or B's, or nobody's. It is most certainly not B's. It cannot be said to be 'nobody's'. Then it must be A's. If the possession by B is, in its inception, innocent, he commits criminal misappropriation if he retains it. If the possession is with A, the moment the fish is caught, the act of B in removing it is theft.

And what are we to think of the explanation of the words, "then in possession" (sec. 145 C. C. P.) given in the case reported in I. L. R. Cal. XII. p. 365 ? Under this interpretation if a servant turns his master out of his house on Monday, the Magistrate must uphold the possession by the servant on Tuesday. The ruling really lands us in a hopeless quagmire. Let us suppose that A, without a shadow of right, forcibly ejects B from a field on the 1st January ; that the Magistrate, acting under sec. 145, declares B to be in possession on the 1st February, deeming the possession by A to be fraudulent, and in fact no possession at all ; that accordingly B takes possession ; and that the High Court decides on the 1st March that the Magistrate was wrong. What is to be done ? B's possession on the 1st February is infinitely higher than that of A on the 1st January, for he is in possession by order of the Magistrate. It is all very well to say that A is in possession in the teeth of the High Court's orders, but the ruling prevents us considering this. In truth the decision violates common sense. We pass our lives in drawing lines, and the line here is wrongly drawn. The Magistrate should have liberty to determine that a late fraudulent possession is no possession in law or equity. To decide otherwise is to hold out a premium to lawlessness.

I consider the High Courts have taken a narrow view in deciding that jurisdiction over the appeal of one person does not give a Sessions Judge constructive jurisdiction over the convictions of other prisoners whose sentences may not be appealable. The Code of Criminal Procedure (sec. 413) declares that there is no appeal in petty cases. The mere fact that a Magistrate passes a sentence of (say) two months, takes the case out of the category of "petty cases." As the law is now interpreted if a Magistrate sentences in one case A to pay a fine of 51 Rs. and B to pay a fine of 49 Rs., it is possible for A to get off altogether and for B to have no remedy.

In the case of *Bachu Mallah and Sri Ram Singh* (I. L. R. Cal. XIV p. 358), the present Chief Justice has laid down what I consider an erroneous principle for the guidance of Mofussil Courts. There were counter charges of rioting before a Magistrate, who first heard the evidence of one side, with of course the defence of the other side, and then heard the evidence of the other side, with of course the defence of the first

side, and then he gave judgment. The Sessions Judge upheld him, and the High Court refused to interfere, at the same time deprecating in the strongest terms the procedure adopted. It seems to me that the procedure is in every respect the proper one. Let us picture to ourselves a double riot in the district of Backergunge, amongst the turbulent riparian peasants of those parts. On one side are A<sub>1</sub>, A<sub>2</sub>, A<sub>3</sub>, &c. On the other side are B<sub>1</sub>, B<sub>2</sub>, B<sub>3</sub>, &c. It would be wrong to let the Police have the selection of which side was to be sent up, and therefore both sides should be sent up. Then whose case should be tried first? It is a mere toss-up. If then the A case is heard first and decided, the B case will commence either prejudged to dismissal, or unfairly handicapped to win. It is quite true that B<sub>1</sub>, B<sub>2</sub>, &c., will give their statement in the A case as accused, and their testimony in the B case as witnesses, but to suppose that they are morally coerced into perjury as witnesses, because their fate as accused is still undecided is, I submit, not sense. The fair, equitable, and rational procedure is that adopted by the Magistrate.

One more instance and I have done. In the Full Bench ruling reported in I. L. R., All. VI, 26, the Allahabad High Court have ruled that a Magistrate can only exercise his power of demanding security to keep the peace, when the person whom he suspects is within his own district; Calcutta Benches have followed this. It seems to me that this conclusion rests on a narrow and mistaken interpretation of the law. The only result of it is to make Magistrates at once institute a prosecution under the Penal Code (in which case they can summon an accused from any part of India, even if the offence be abetment only) instead of adopting the milder procedure of the Code of Criminal Procedure.

I conclude with a metaphor. The Angel of Justice steps out on her path in darkness and amid pitfalls; and the light which shines on her final footsteps is apt to flicker.

SESSIONS JUDGE.

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## ART. VII.—THE UNCOVENANTED SERVICE QUESTION.

THE movement which is at present agitating the "Uncovenanted" servants of the Government of India is one which is believed to be without a parallel in the history of the Indian Public Services, except in the case of the agitation of the "Covenanted" Civilians of the North-West Provinces, Madras, and Bombay against the injury to their prospects caused by the block in promotion—an agitation which resulted in the grant of personal allowances to those who were proved to have suffered. The agitation of the "Uncovenanted" Services is not confined to India: but a large number of officers in England, both those who are on leave and those who have permanently retired from the various Services, have formed themselves into an Association which is endeavouring to obtain certain alterations in some of the existing rules. In India also an Association has been formed, with branches in all parts of the country, which has practically the same programme as the English Association. During the last eighteen months public or quasi-public meetings have been held in most parts of India, in which men, holding the highest appointments in their respective departments, have taken a prominent part. In Calcutta last cold weather, and in Simla again in June and August last, in Madras, Allahabad, Lahore, Rangoon and in many other stations, such meetings have been held, and the speeches and resolutions have been more or less fully reported in the public press. There is, perhaps, room for question as to whether such action on the part of public servants is altogether consistent with the respect for authority which it is their duty to recognise. No objection has, however, been taken to the proceedings of the "Uncovenanted" Services, partly, perhaps, because it is felt that no sound objection can be raised to an agitation, which, with the exception of a few silly and intemperate letters in the newspapers, has been conducted with moderation and decorum; partly, perhaps, because it is admitted that it is wiser to let the flood flow on rather than to attempt to impede it by obstructions, which, if they failed in their object, might probably only increase its power and velocity; and partly because the conduct of the agitation has not been an infringement of any rules prescribed or implied by Government for the conduct of its servants. Not a few of the men who have taken part in this movement, must, from their official positions, be well aware that the present time is hardly a propitious one in which to seek for alterations which involve any increase in expenditure to the State.

There would seem, then, to be more than one reason for thinking that the forces which are acting in this matter, are forces which are strong enough to compel men of acknowledged merit, of marked moderation, and of the highest rank in their respective services to resort to measures—which may not be improperly described as extreme measures—for responsible officials of an important Government. It seems desirable to investigate this question, to state what the demands of the “Uncovenanted” Services are, and to enquire whether those which are clearly reasonable can be fitly conceded in the interests of the Empire. For even a conqueror who has imposed his yoke on a country by force of arms, will, if he is provident, seek to conciliate the good graces of his new servants. Much more then may a great Government pursue the same policy with men who have done and are doing no small share of the work of leading India forward in the path of progress.

It may be well to premise that at the root of this agitation lies the ever-diminishing rupee. To the great mass of the “Uncovenanted” Services the variation of exchange is of little moment, for the great majority are either Europeans or Eurasians domiciled in India, or native gentlemen of pure Asiatic race. To these the depreciation of silver brings few troubles; but to a minority of those Services it is a serious matter. This minority consists of the “non-domiciled” Europeans; the men who have left their homes for service in the East and mean to return to them. It is these men who are leading the agitation of the “Uncovenanted” Services; indeed, it may almost be said to be confined to that class. The Government of India, in the Financial Despatch of the 4th September 1886, when writing of its position with reference to the falling exchange, said—“We do not therefore hesitate emphatically to repeat that, from the point of view of Indian Finance, the position has become intolerable.” The financial position of each “non-domiciled” member of the “Uncovenanted” Service is this: his current revenue is in rupees, his investments are in rupees, and his ultimate revenue is in rupees. As regards all sources of revenue, he is, then, in the same position as the Government of India. His current expenditure is mainly in rupees and partly in sterling, so is that of the Government of India. But on retirement the “non-domiciled” European finds his whole revenue in rupees and his whole expenditure in sterling, and he has little or no prospect of increasing his emoluments: in this respect the uncertainty of his financial position is far worse than that of the Government of India, which must always have its main expenditure in the currency of its revenue, and has the power to increase its revenues to a certain extent. If the



Government of India finds it hard to prepare its budgets and to know how to regulate its expenditure, may not the "non-domiciled" European feel the same difficulty? If the Government of India declares the position to be "intolerable," which places perhaps one-third of its revenues in a state of uncertain value, may not the retired official, whose entire revenue is in a constant state of flux, be permitted to use equally strong language, and to curse the gods who tempted him with a pension of £500, which is now £333, and for all he knows may be £250 before long? The "non-domiciled" European "uncovenanted" servant is the only servant of the Government of India who finds himself in this very unfavourable financial position. Military men are in the same position as regards current revenue, but their ultimate revenues are all in gold; Covenanted Civil Servants are in the same position as Military men; both these classes, too, get their furlough allowances, under certain circumstances, in gold; the domiciled European, the Eurasian, and the Asiatic all draw their incomes, present and future, in the currency of the country in which they live: they are subjected to no loss by exchange, and to little or no fear of depreciation in the value of their resources.

The requests for concessions which the "Uncovenanted" Services have put forward in the present agitation are these:—

I. That officers who occupy the same position in any Service (Schedule A. of Civil Leave Code) should be treated equally as regards leave and pension.

II. That the right to count actual service before the age of twenty-two as qualifying for pension should be conceded to all.

III. That the obligatory period of service for pension should be reduced from 30 to 25 years.

IV. That certain periods of furlough should be allowed to count as service for pension.

V. That the pensions of officers retiring to their homes in Europe and the colonies be paid at the rate of two shillings to the rupee.

The last of these is really the one which is now uniting all members of the Services: the four first are all subsidiary, and, at the present time, are subordinate to the last. This article will deal chiefly with the question of sterling pensions. With reference to the first four requests, however, it may be said that all of them have been conceded to one or two of the branches of the "Uncovenanted" Services, and the members of the others seek equal privileges with them. There is no question that serious anomalies now exist which lead, in some instances

to the higher officers of a Service having less favourable rules on some points than those serving under their orders. The demands put forward in No. III and No. IV are certainly reasonable and should, we think, be conceded ; a service of a quarter of a century, with moderate periods of relaxation, seems sufficient to expect from any European in this climate. Concerning No. II there is much doubt. The argument against it is, that men before twenty-two years of age are learning their business, and that they only render efficient service after that age. The concession has, we think, been too freely made in some cases, but the instances are not numerous. The age might, perhaps, be lowered to twenty-one, or possibly to twenty, but it does not seem reasonable that a boy who entered the Service under exceptional circumstances, should be allowed to count all his service. No. I is full of difficulties. Our space will not permit a full discussion of it ; but it may be said that practically it covers a large proportion of the ground of the Report of the Public Service Commission, and agrees in principle with the recommendations of that body. The difficulty is to define with accuracy "the same position," as the Services vary in organization and importance.

The "Uncovenanted" Services may be defined with sufficient accuracy as the Public Services other than the Military and "Covenanted" Civil service. The words "Uncovenanted" and "Covenanted" have been put in inverted commas throughout this article, because they are technical terms which are well understood, but which are inaccurate and misleading in themselves. The term "Uncovenanted" is defined by the Public Service Commission as one "applicable to officers serving the Crown in a civil capacity in India, who do not belong to what is generally known as the Covenanted Civil Service ;" the term is admitted by the Commission to be inaccurate "inasmuch as several so-called "Uncovenanted" officers are serving under covenants or contracts entered into with Her Majesty's Secretary of State. The Commission has recommended that both the terms be abolished in future. As a matter of fact the term "Uncovenanted" has already been declared inapplicable by the Secretary of State to one of the Services which falls under that general classification.

The following statement has been prepared from the appendices of the Report of the Public Service Commission. It cannot be relied upon as being absolutely accurate, as it is difficult, in some Services, to distinguish between the superior and subordinate establishments, and the figures are, in many cases, involved in the letter-press.

*Superior Establishments of the "Uncovenanted" Services of India.*

Services.	Non domiciled Europeans.	Domiciled Europeans and Eurasians.	Asiatics.	Total.
Executive and Judicial (Uncovenanted Civil Service )	35	104	2,419	2,558
Financial Department ...	19	11	4	34
Archiological Survey ...	8	1	0	9
Customs Department ...	3	60	20	83
Education do. ...	99	9	49	157
Forest " ...	129	14	1	144
Geological Survey,, ...	13	0	1	14
Jail Department ...	29	9	2	40
Meteorological Survey Department ...	6	0	0	6
Mint Department ...	11	2	0	13
Opium do. ...	50	23	4	77
Pilot Service ...	93	23	1	117
Postal Department ...	13	5	1	19
Police " ...	254	57	13	324
Public Works " ...	773	136	87	996
Registration " ...	2	1	3	6
Salt " ...	22	7	3	32
Survey " ...	10	133	4	147
Revenue Survey,, ...	58	8	0	66
Telegraph " ...	95	2	0	97
Total ...	1,722	605	2,612	4,939

The first argument which the members of the "Uncovenanted" Services bring forward in support of their claim to sterling pensions is that their pensions were originally fixed to bear a proportion to those of the "Covenanted" Service, which are in sterling, and that the expressions of £400 and £500 were used in the earlier rules and despatches in fixing certain maxima. They further state that reasonable expectations of sterling pensions were created in the minds of some of them by certain prospectuses which were issued by the Home Government to students at Coopers' Hill College. Thus in 1875 when the value of the rupee was 1s. 10d., one of these documents stated that "10 rupees are nearly equivalent in value to £1," and again this paper quoted a salary of Rs. 4,200 as "about £420" and Rs. 3,000 as "about £300." The impression that pensions were practically to be paid at the rate of two shillings to the rupee is also said to be supported by the wording of the covenants of some of the Telegraph Officers. In these covenants the following passage occurs: "and it is agreed that in all Payments to be made under these Presents the Pound Sterling shall

be considered equal to and calculated after the Rate of Ten Rupees." As a matter of fact the "Uncovenanted" Officers who have such terms in their covenants do draw their furlough allowances at the rate of two shillings to the rupee, but the Secretary of State has declined to pay their pensions at the same rate. It seems by no means unreasonable that these expressions may have created the impression which the "Uncovenanted" officials attribute to them; but, on the other hand, it is necessary to remember with reference to the earlier documents which distinctly referred to pensions of £400, that in those days such expressions were actually true, and that all public documents were drawn up and Indian accounts were then kept, and have been up to quite a recent date, in ten-rupee pounds. So that the use of the symbol £ was held as the equivalent of ten rupees, that is to the symbol Rx., which has lately been introduced, and a vast number of instances might be brought forward to shew that sums of Indian money were expressed under the symbol £ where no idea was entertained of a distinct reference to the pound sterling as opposed to ten rupees. It must further be noticed that the explanation on this point given in the House of Commons by Sir John Gorst on the 8th of June last cannot be disputed or gainsaid. A study of the despatches and rules will shew clearly that the pensions of "Uncovenanted" servants were, until 1862, only payable in India; and when in that year, it was decided to pay these pensions in England, it was distinctly said that the Government only undertook such payments as an agent for the transfer of the money from India to England at the rate of exchange of the day. It is, however, rather remarkable that in the despatch which referred to this matter, it was said that "Her Majesty's Government will not now fix any permanent rate for the purpose," as though it were contemplated that a time might come when such a rate should be fixed. So far, then, as the letter of the rules, despatches and other documents are concerned, with the exception perhaps of the prospectus of 1875, it must be held that the Government has fulfilled the conditions of the contract: it distinctly contracted to pay in rupees and it does so. This view of the question has been admitted on more than one occasion in speeches which have been addressed to the meetings of the Services. But it may very well be questioned whether the Government in giving effect to the letter has fulfilled the spirit of its agreement. The Government has never denied that the rate of pension was fixed relatively to the rate of pensions of other Services in India, and it is impossible to dispute, that at the time the maxima of £400 and

£500 were fixed, the idea which then prevailed in the mind of both parties to the contract was, that the pensions would approximate to those sums; neither party ever supposed it possible that these sums would be reduced, as they now are, to £266 and £333 respectively. It is, further, very pertinent to this question to remember, that the reason why the pensions of the "Uncovenanted" Services were originally fixed as payable in rupees was, because those Services were specially designed for the natives of India, and the rules were framed accordingly. The Public Service Commission, which was specially appointed to consider the condition of these "Uncovenanted" Services, when writing on the rules to be adopted for the new "Provincial" services which it is proposed to organise, says:—"The leave and pension rules to be adopted might, with modifications, be those laid down for the present "Uncovenanted" Service, *which are believed to have been framed on the assumption that the Uncovenanted Service would be mainly recruited from Natives of India.*" It is, we believe, the fact that the existing rules were framed for natives of India, serving, and ultimately retiring in their own country. The Duke of Argyll, indeed, in a despatch, dated the 10th March 1870, said that "as the offices filled by the general body of European Uncovenanted servants, who are not appointed from this country, are open to, and will be filled in a greater proportion every year by natives of India, the rules regarding furloughs should be framed to meet the circumstances of native Officers." If it be the fact, as the Public Service Commission states, that the existing leave and pension rules were framed on that basis and that it was more or less unintentional that they were applied to a different class, it does not seem a sound argument to say that those rules must always remain applicable to that class, because it was convenient at one time to so apply them. Still less does this argument appear good when it is remembered that the circumstances have so changed, that the actual results produced by the rules have been unexpectedly unfavourable to the class which has been brought under their operation.

On this point some reference may be made to Sir John Gorst's remark that the Natives of India viewed this matter of pensions in a different light, and "made it a grievance that any difference at all should exist between themselves and Europeans." It is difficult to guess on what foundation this statement rests. The differences between Natives and Europeans in the "Uncovenanted" Services are held by many to be in favour of the Native and not the reverse. In 17 out of the 20 branches of the "Uncovenanted" Service, the pay is

identical, and in 18 out of 20 the pensions are identical in the two classes: the leave rules show more variation, but these two are identical for a large proportion of the "Uncovenanted" officers. There has been much discussion as to whether the same number of rupees are equal remuneration to the European in a foreign country and the Native in his own: the Government decided the question in some services (the Telegraph, Educational and Postal) by ruling that it was not, and fixing two-thirds as the correct proportion for the Native; but out of the 2,600 Native superior officers of the "Uncovenanted" Services, there are believed to be less than 30 to whom the rule has been applied. Similarly with pensions: in the vast majority of instances the European and the Native retiring in the same grade of any department receive identical amounts in rupees. There are probably few men conversant with the mode of life of the two classes, who will for one moment maintain that a pension of Rs. 4,000 to a native gentleman retiring to his home in Bengal, is not far more valuable to him than a pension of Rs. 4,000,—say £266 at present—to the European gentleman who retires to London. With reference to the leave rules it may with much truth be said, that the European who has a long journey between himself and his home, has more claim to extended leave than the Native gentleman who is at home; as a fact, however, Native gentlemen rarely take all the leave due to them. There seems to be at any rate much reason on the side of those who maintain that equal pay and equal pension in rupees is unequal remuneration in favour of the native gentleman,\* and this view is confirmed by the report of the Public Service Commission as will be shewn presently. If it be the fact that the "Uncovenanted" pensions were originally fixed to bear a certain proportion to those of the "Covenanted" Service, it seems inequitable that the one should be subject to constant decrease while the other is stable in gold.

The second argument which the "Uncovenanted" Services bring forward is, that all pensions are of the nature of deferred pay, that deductions are theoretically made monthly from salaries, the amounts being funded for the purpose of ultimately being returned in the shape of pensions: it is said that such deductions have been made from many men now in the Services, when the rupee has been at all rates, from two shillings down to one and four pence, and that it is unjust to return those rupees to their owners at the rate of one and four pence only. This argument finds confirmation in the actual procedure with reference to the pensions of the "Covenanted" Service. Deductions at the rate of four per cent. on

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\* [We think there can be little doubt on this point.—ED.]

salaries are actually recovered in cash from all officers of that Service. These deductions are funded and are held to be the subscriptions of each member of the "Covenanted" Civil Service towards the purchase of a definite portion of his ultimate pension. The two cases are precisely analogous, only in the case of the "Uncovenanted" Service, the deductions are only made in theory, and in the other case they are, for a portion of the pension, actually made in money. But the results are by no means analogous. The officers in both services have been purchasing pensions with rupees ranging in value from two shillings to one and four pence. The "Uncovenanted" officer has all his rupees returned to him at 1s. 4d., or it may be at 1s. 2d., or it is possible at one shilling each, he cannot tell at what rate; while the "Covenanted" officer gets all his rupees back again—even those which he has deposited at 1s. 4d.—at the rate of two shillings sterling for each of them. There seems to be no good reason why the two classes of public servants should be treated so differently: certainly there can be none, if the pensions of the two classes were originally fixed to bear a certain proportion to each other, as the "Uncovenanted" officers maintain was the case.

The third argument which "Uncovenanted" officers advance for the payment of their pensions in sterling is this: They say that no sound reason exists why some of the European servants of the Crown should be paid in sterling and the others in a different currency. They admit that services vary in importance, and that the rates of salary and rates of pension may equitably vary, but that whatever reasons may be assigned for the payment of the pensions of Covenanted civilians, High Court judges, or of Military officers in sterling, are equally applicable to the pensions of those officers of the "Uncovenanted" services who, like them, have European training, have European modes of thought and of life, and who ultimately retire to Europe. The argument is based on the broad theory that the Service of the country in all its branches can be, in many respects, efficiently performed by the domiciled European or Eurasian or by the native gentleman; but that it is essential that there should be in all Departments a leaven of European knowledge, thought, and energy: that this extraneous and imported labour, like imported wares of all kinds, must necessarily be valued in the currency of the country of its origin, and not of that to which it is imported: that while such imported servants may be willing to receive, in India, a portion of their price in Indian currency, they may fairly demand the final settlement of the account to be made, as the accounts of all imported articles

ultimately are, in the currency of the country from which they came: and that the adjustment of the account, while it may: rightly take cognizance of the varying rates of wages of different workmen, cannot be equitably made by the payment of one class of workmen in a standard currency and another class in one which is ever varying: or, as the *Saturday Review* concisely puts it—"it amounts to this—"why should John who goes into the Indian Civil Service, be better treated as to furlough and pension than "his cousin Thomas, who goes into the Public Works Department from Cooper's Hill." There certainly seems to be much force in this argument, and it is one which finds great support in the Report of the Public Service Commission. That Commission recommends that the "Covenanted Civil Service," and most of the "Uncovenanted" Services should be opened more widely than heretofore to the natives of the country, that is, to all domiciled subjects of Her Majesty; it proposes that the services should be divided into "Imperial" and "Provincial or Local" Services; that the "Imperial" Service should as a rule be composed of the leaven of European officers with the highest training in their various lines of duty; while the "Provincial or Local" Services should be composed of the best men available in India. It is distinctly laid down that, "as far as possible, the members of the Imperial and Provincial Services should be put on a footing of social equality, and that when they occupy similar offices, they should be graded together in the official precedence list." So far, then, the Commission recommends equality between the members of the Services who are recruited in India and those imported from abroad. But when it comes to speak of the other conditions of the Service, as regards pay and retiring annuities, the Commission writes thus:—"These conditions, (*i. e.*, the conditions of the Covenanted Civil Service,) were framed to meet the circumstances and requirements of an agency which it is considered necessary to import from England, and seem to the Commission to be wholly inapplicable to such agency as may be recruited in India. To apply to the latter agency the exceptional conditions found to be necessary for special reasons in the case of the former, would appear to involve a charge upon the public funds which is unnecessary and could not be justified." And, again, in the paragraph referring to the pay, leave and pension of the "Provincial Services," the Commission writes:—"Inasmuch as no practical advantage can result from a comparison between the conditions of service which are necessary or suitable in the case of officers recruited in England and officers recruited in



India respectively, the Commission is strongly of opinion that the grades of pay in the Provincial Service and the pay of appointments to be held by its members, together with the general conditions of such service as to leave and retiring annuity, should be fixed on independent grounds, and bear no relative proportion to those of the Imperial Service. In short, the simple principle which the Commission would adopt is to adjust the conditions of the Provincial Service by the consideration of the terms which are necessary to secure locally in India the desired qualifications." And, further, when writing more particularly concerning the employment of "Natives" in the "Uncovenanted" Services, there is the following remark:—"The Commission desires it to be understood that where it has made no specific recommendation respecting recruitment and conditions of service in any department in which changes are suggested, it advises the adoption, as far as may be practicable, of the same rules as to preliminary qualification, recruitment, probation and general conditions of service, as it has recommended in a former portion of this Report for the Provincial Service."

These extracts appear to shew clearly that the Public Service Commission endorses the main proposition which is advanced by the European members of the "Uncovenanted" Services in the present agitation, that the conditions regarding pensions which are applicable to Europeans are not applicable to "Natives." Further, that the Public Service Commission is of opinion that conditions of service as regards pay, leave and pension of all "Imperial" officers should be on one and the same broad basis; those of the "Provincial or Local" on a different one. The principle which the Public Service Commission has adopted is not a new one, although it has not as yet been enforced; it was substantially proposed by the Duke of Argyll in 1870. In the despatch which has been already quoted, he said: "The principle which Her Majesty's Government have steadily kept in view, throughout the discussion on these furlough rules, is that the 'Uncovenanted' Service should be principally reserved for the natives of the country, and that superior appointments, which require English training and experience, should be made, as heretofore, from England." If the recommendations of the Public Service Commission are accepted, the Government will be almost compelled to give all European officers who retire out of India the sterling pensions they wish to get.

Not the least effective reply which has been made to the demands of the "Uncovenanted" Service was that made by Mr. Leonard Courtney in the House of Commons when he

said that "the purchasing power of the sovereign had increased, and £400 would now purchase as much of the commodities of life as £500 did twenty years ago." If it can be shewn that the value of gold has so appreciated that the pensions which "non-domiciled" Europeans now receive are the same in purchasing power as they always were, the answer would be a complete one to the present agitation. It would entirely undermine the whole position which the "Uncovenanted" Services have assumed.

Before discussing this reply it will be interesting to shew what the charges against the Indian revenues on account of pensions really are. It must, in the first place, be mentioned that up to the year 1886, the accounts of the Indian Government were so kept that the "loss by exchange" was not included in the statements shewing the expenditure under the various sub-heads of account, but was kept separate. This has now been altered. But the loss by exchange was of course always properly chargeable to the different sub-heads, and it has been so charged in the following statements: the calculations have been made at the rate of exchange of each year. The symbol Rx. has been used to denote tens of rupees, that is, the conventional pound at 10 rupees to the pound. The gross annual charges against Indian revenues for pensions during the quinquennial periods ending March 1872, 1877, 1882 and 1887 have been as follows:—

First period.	Second period.	Third period.	Fourth period.
Rx. 3,308,000	Rx. 4,046,000	Rx. 5,500,000	Rx. 6,377,000

The annual loss by exchange has averaged the following amounts during the same period:—

Rx. 66,000	Rx. 250,000	Rx. 665,000	Rx. 1,021,000
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leaving the following amounts as those actually paid to the pensioners, the figures being in Rx. for payments in India and pounds sterling for payments in England:—

Rx. and £.	Rx. and £.	Rx. and £.	Rx. and £.
3,242,000	3,796,000	4,835,000	5,356,000

These figures may be primarily divided into Military pensions and Civil pensions, thus:—

## MILITARY PENSIONS.

	First Quinquennial period.	Second Quinquennial period.	Third Quinquennial period.	Fourth Quinquennial period.
Paid in India ...	Rx. *638,000	Rx. 649,000	Rx. 692,000	Rx. 825,000
Paid in England ...	£ *1,151,000	£ 1,424,000	£ 2,066,000	£ 2,279,000
Loss by Exchange ...	Rx. *40,000	Rx. 144,000	Rx. 405,000	Rx. 610,000
Total charge against India Revenues ...	Rx. 1,829,000	Rx 2,217,000	Rx 3,163,000	Rx 3,714,000

These figures include † rewards for Military services, pensions of Retired Officers and of European and Native soldiers, widows pensions and compassionate allowances, superannuation pensions and gratuities.

## CIVIL PENSIONS.

Paid in India ...	Rx. 696,000	Rx. 684,000	Rx. 751,000	Rx. 790,000
Paid in England ...	£ 757,000	£ 1,039,000	£ 1,326,000	£ 1,462,000
Loss by Exchange ...	Rx. 26,000	Rx. 1,600	Rx. 260,000	Rx. 411,000
Total charge against India Revenues ...	Rx 1,479,000	Rx 1,829,000	Rx 2,337,000	Rx 2,663,000.

The Civil pensions paid in India may be divided into two classes, there is first the pensions, gratuities and compassionate allowances to the "Revenue and other Public Departments" which have been :—

First period.	Second period	Third period	Fourth period
Rx. 302,000	Rx. 347,000	Rx. 515,000	Rx. 594,000

and these figures may be taken to be substantially the pensions drawn annually by the various "Uncovenanted" services in India ; including not only the officers of those services, but the subordinates and the vast army of clerks in all the public offices of the country.

The second class of Civil pensions paid in India includes Donations to Service Funds, some small amounts as pensions of the Covenanted Civil Service, pensions to Military

\* These figures may be slightly inaccurate.

† These "rewards" include charges for medals, averaging from £4,000 to £5,000 a year, and some charges for different Orders which are not, strictly speaking, superannuation charges, but the amounts are not large.

orphans, Marine pensions and other sundry charges: these amount to:—

Rx. 394,000 Rx. 337,000 Rx. 235,000 Rx. 196,000.

The decrease in this class of payments is mainly due to the decrease in donations made by Government to Service funds. The Civil pensions paid in England include those of the Covenanted Civil Service, judges of the High Court, establishments of the East India Company, Home establishments of the India Office, Bengal Pilot Service, and others, as well as the pensions of those officers of the "Uncovenanted" Services who retire to Europe. These latter pensions have averaged during the last quinquennial period £78,000 a year out of the total of £1,462,000 paid in England for Civil pensions of various kinds.

The figures given in the foregoing paragraph shew the expenditure or "charges" on account of pensions. But there are certain receipts, chiefly subscriptions to certain funds, which are received by Government, and which must be deducted in order to ascertain the net charge against Indian revenues for pensions of all Services. The receipts on account of Civil pensions are steadily and largely decreasing: the average annual amounts (including exchange) were Rx. 677,000, Rx. 574,000 and Rx. 358,000 for the three last quinquennial periods. The Military receipts on the other hand are small but steadily increasing: the corresponding figures being Rx. 17,000, Rx. 27,000 and Rx. 54,000. After these receipts are deducted, the net average annual charge (taking account of exchange) against Indian revenues on account of the superannuation charges of all Services have been—

				QUINQUENNIAL PERIOD ENDING		
				March 1877.	March 1882.	March 1887.
Civil	...	...	Rx. 1,152,000	Rx. 1,823,000	Rx. 2,305,000	
Military	...	...	Rx. 2,200,000	Rx. 3,136,000	Rx. 3,060,000	
Total	...		Rx. 3,352,000	Rx. 4,959,000	Rx. 5,965,000	

and the corresponding figures for the year 1886-87 were Civil, Rx. 2,720,000: Military, Rx. 3,289,000: Total, Rx. 6,009,000, which included a net loss by exchange of Rx. 1,220,000. This net charge of over six hundred lakhs of Rupees, being about 8 per cent. of the revenues of the country, is one which the Government may well hesitate to increase; while the loss by

exchange on pensions paid in England, which in 1886-87 had reached the sum of about Rx. 1,200,000, and in the present year (1888-89) will probably be not less than a million of pounds sterling (Rx. 15,00,000), may well be viewed with alarm.

The statement advanced by Mr. Leonard Courtney, that £ 400 now is equivalent to £ 500 of twenty years ago, simply amounts to an assertion that the value of gold has increased by 25 per cent. : that a pension fixed at £ 100 twenty years ago is now equivalent to one of £ 125 in those days. If this be true, it is true with reference to all pensions and not only to those of the "Uncovenanted" Services. It follows that all pensions paid in sterling twenty years ago have received an "uncarned increment" of 25 per cent., and that every officer in receipt of such pensions, is in receipt of more than his equitable dues. It is not possible to say exactly what the amount of such pensions is : but it may be safely said that it exceeds £3,000,000 a year ; probably it is three and a half millions : the "uncarned increment" on this is therefore some £ 600,000 or say Rx. 900,000. This sum, on the hypothesis, is that which the taxpayers of India pay, with no productive results, into the pockets of men who have not earned it and who spend it in another country. Sir John Gorst was quite pathetic in the House of Commons over the melancholy position of the poor taxpayer of India, who might be asked to pay Rx. 100,000 or Rx. 150,000 in order to give "Uncovenanted" servants their pensions in sterling ; but no one told the House of Commons that the only argument of any real weight which has been brought forward against that concession leads inevitably to the conclusion, that the same poor taxpayer is being mulcted now of ninety lakhs, or nine millions of rupees a year, of which he might justly say—if Mr. Leonard Courtney is right—that there was no reason why he should pay it at all. This sum represents nearly three-fourths of the entire amount which the Government of India realises from the income-tax, or more than half the amount which the increase in the salt duty is estimated to produce.

It is pertinent to this question to enquire what the actual cost to India would be if the pensions of "Uncovenanted" officers retiring to Europe were paid in sterling at the rate of two shillings to the rupee. It has already been shewn that the actual annual payments made in England for "Uncovenanted" pensions averaged about £78,000 in the last quinquennial period. This amount would have been increased by about £20,000, had these pensions been paid at two shillings to the rupee instead of at the official rate of exchange. Mr. King, who advocated the cause of the "Uncovenanted" Services

in the House of Commons in June last, spoke of £20,000 as though this would be the ultimate cost of the concession which he claimed. But in this he under-estimated the true state of the case. The pension charge and the consequent loss by exchange will increase considerably beyond the present figure, as the number of pensioners has not yet reached its maximum. The tabular statement which has been given above shews that there are 1,722 men in the superior establishment of the "Uncovenanted" Services who are "non-domiciled" Europeans. It is believed—indeed it is known with reference to the largest of these Services—that this figure is considerably in excess of the truth, and that probably 1,200 to 1,500 men is a more correct estimate. Actuarial calculations, based on the prospect of life in India, shew that for every hundred men in actual work there will be 1·82 men annually retiring, so that from an establishment of 1 500 men there would be 27·3, or say 30 annual retirements. If the prospect of life at 55 years of age be taken at 12 years—which is about the correct figure—and if the average amount of pension be assumed at Rs. 4,700—which seems to be about the correct amount, the *maximum* for nearly all the Services being Rs. 5,000—the ultimate pension charge payable in England for all the Europeans in the "Uncovenanted" Services would be Rx. 1,69,200 per annum, or say, Rx. 2,00,000 in round figures. This amount if paid at the rate of two shillings to the rupee, would entail an extra payment of £67,000, or say Rx. 100,000 a year at the present rate of exchange. This figure of Rx. 100,000 is comparable with Sir John Gorst's estimate of Rx. 100,000 or Rx. 150,000, which must, however, be admitted to be far more correct than Mr. King's figure of £20,000. It is, of course,\* no argument in favour of making this concession to say, that the amount is insignificant compared with the sum of Rx. 6,000,000, which is the approximate net pension charge on Indian revenues, but certainly it is a factor to be borne in mind in deciding whether one class of Her Majesty's servants should be subjected to an exceptional disadvantage. It must be remembered, also, that this estimate of Rx. 100,000 as the extra charge, which is in itself believed to be rather a high estimate, will be ultimately subjected to considerable reduction if the proposals of the Public Service Commission are fully accepted; for the result of those recommendations will be to reduce the numbers of "non-domiciled" Europeans and to increase the "domiciled" and Native agency.

Taking a broad review of the whole question it seems impossible to deny that the claims of the European "Uncovenanted" officers for some concession in the direction of sterling pensions are equitable. Indeed Sir John Gorst practi-

cally admitted this when he said, that "in recent times several branches of the Service . . . had had enhanced pensions granted to them *because of the fall in exchange*." If a fall in exchange justifies the increase of the rupee pensions of one branch of the Service, it must justify it in all when the other conditions are the same. We believe Sir John Gorst was mistaken when he said that pensions had been increased on account of the fall in exchange; the increase to which he referred was made for other reasons. But the admission that a fall in exchange might justify the increase in the rupee pensions of European officers appears to be an admission in full of the principle for which the "Uncovenanted" Services are contending. The argument that the appreciation of gold is sufficient compensation for the decreased amounts which "Uncovenanted" officers retiring to Europe draw, is, we believe, a sound one up to a certain point, for there is little doubt that gold has appreciated; but the appreciation, so far as it affects the expenditure of the pensioner, is not at all commensurate with the decrease in his pension. Mr. Leonard Courtney's argument must at any rate be largely discounted before it can be applied; and even in its entirety it does not justify the reduction of a £500 pension to £333 as is the fact at present; and further, the argument lands the Government in the dilemma that it is convicted of paying enormous sums, legally perhaps, but inequitably, to other services which derive from them a large "unearned increment" in their emoluments. We believe that any fixed rate of exchange, be it two shillings or a lower rate, is not strictly equitable, and that the demands of the "Uncovenanted" officers for two shillings can only be substantiated, if it can be shewn that gold has not appreciated in value with respect to their expenditure. The correct solution seems to lie in the direction of fixing a minimum rate which shall be applicable to all officers now in the Services who retire to Europe. This would permit these officers to make some arrangements for the future and to know the position in which they stand. The principle that all European officers, introduced as the leaven of the Indian Services, should have their conditions of service as regards pay, leave, and pension fixed on the same broad lines, has been clearly laid down by the Public Service Commission, and will no doubt be accepted by Government. The result will, probably, be that all men appointed by the Secretary of State from Europe will in future be appointed under one set of conditions; and those appointed in India, by the various authorities here, will come under another set. But to the men now in the services, who have been recruited in so many ways, under such various conditions, and, the great majority of them, at the time when appointment in

India carried none of the disadvantages which it now does, it seems equitable that the broad rule should be applied that all those who really retire to their homes in Europe should receive equal treatment with those who have been directly recruited from Europe. We believe that concessions made in these broad lines would be equitable to all concerned, would satisfy the Services, and would quiet at once the present undesirable agitation.\*

R. B. BUCKLEY.

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\* [We insert this as a temperate and succinct statement of the "case" of the Uncovenanted officers, which must soon come before Government again. We also permit the reprinting of this article in pamphlet form, provided no copies are mailed to England, for the next three weeks, so as not to interfere with the London sales of the *Review*.—ED.]



## ART. VIII.—THE POLICE OF CALCUTTA.

### A RETROSPECT.

WHEN Job Charnock landed at Sutánati (now Hatkhola) on the 20th December 1686—just two hundred years to a day before the opening of the Hughli bridge—it is probable that the first person he asked for was the village chowkidar, and that that functionary, after the manner of his kind, was absent from his post, possibly regaling himself upon cheap liquor, for excise was unknown, at a grog shop in one of the adjacent villages of Govindpur and Kalikata, which, together with Sutánati, formed the swampy, fever-stricken nucleus from which the present splendid city of Calcutta has, as if by magic, sprung.

The institution of village watchman\* has existed in India since time immemorial, its origin being lost in antiquity; and there is no reason to suppose that the three villages above-named were destitute of this important item of the ancient village system. It was the practice of the Moghuls to hold the zamindar responsible for the repression of crime and keeping of the peace within his estate, and the village watchman was the zamindar's local agent for this purpose. The watchman was paid partly in kind and partly by lands set aside for his use. In large towns, however, a different arrangement was in force, and the Mahomedan rulers themselves undertook the preservation of order. But Calcutta was not at this early period a large town, or indeed a town at all, and hence the inference that the site upon which it now stands, was guarded by no other police force than the village watchman common to the rural tracts of Bengal. At this period Dacca was the capital of Bengal, and it may be interesting to note *par parenthèse* what its administrative and police arrangements were; for it was the custom of the early English settlers, conscious of their ignorance of the wants of a strange people, to copy the institutions of their Moslem predecessors. When Dacca was visited in the year 1666 by Tavernier, it was under the jurisdiction of a Foujdar and six Amils. The police consisted of these officers with eighty peons, fifty horsemen, and fifty armed guards. All had residences assigned to them, and were chiefly paid by grants of land. Besides the Civil and Criminal Courts there was also an officer called Muhtasib who exercised a good deal of authority. He had the superintendence of weights and measures, settled disputes, and imposed fines and corporal punishment on offenders.

The other officers, besides the Nawab and Finance Minister, whose jurisdiction extended beyond the city, were the Kazi, Kanango, and Waqáinigár. The duty of the latter officer was to report daily to the Emperor all that occurred in the public departments and to superintend the transmission of despatches and official correspondence. The public establishments consisted of the fleet (*náoará*) comprising seven hundred war boats and a number of State barges, the artillery, and the mint. There had always been from very early times a good system of police in the great cities of the East under the Hindus as well as the Tartars and Moghuls. Megasthenes, sent to Palibothra, the modern Patna, by Selencus about the year 325 B. C., mentions the police in terms of high praise. The reigning sovereign was at that time Chandragupta, and it is not likely that the police was neglected under his successor, the great Asoka, who established (B. C. 274) the first popular Courts of Justice, Civil and Criminal, known in India. In more modern times (circ. 1300) we have Marco Polo's accounts of the police, of the splendid cities of Khanbaligh and Kinsay in the far East under the mighty Tartar Kibla Khan. The latter is so interesting that I venture to transcribe it : —

"Since the great Kacin occupied the city he has ordained that each of the 12,000 bridges should be provided with a guard of 10 men in case of any disturbance, or of any being so rash as to plot treason or insurrection against him. Each guard is provided with a hollow instrument of wood and with a metal basin, and with a time-keeper to enable them to know the hour of the day or night, and so, when one hour of the night is past, the sentry strikes one on the wooden instrument and on the basin, so that the whole quarter of the city is made aware that one hour of the night is gone ; at the second hour he gives two strokes, and so on, keeping always wide awake and on the look out. In the morning, again, from the sunrise, they begin to count anew, and strike one hour as they did in the night, and so on hour after hour. Part of the watch patrols the quarter, to see if any light or fire is burning after lawful hours ; if they find any, they mark the door, and in the morning the owner is summoned before the Magistrates, and unless he can plead a good excuse he is punished. Also if they find any one going about the streets at unlawful hours, they arrest him, and in the morning they bring him before the Magistrate. Likewise if in the day time they find any poor cripple unable to work for his livelihood, they take him to one of the hospitals, of which there are many founded by the ancient kings, and endowed with great revenues. Or if he be capable of work, they oblige him to take up some trade. If they see that any house has caught fire, they immediately beat upon that wooden instrument to give the alarm, and this brings together the watchmen from the other bridges to help to extinguish it, and to save the goods of the merchants or others, either by removing them to the towers abovementioned, or by putting them in boats and transporting them to the islands in the lake. For no citizen dare leave his house at night, or to come near the fire ; only those who own the property and those watchmen who flock to help, of whom there shall come one or two thousand at least (the total being 10,000). Moreover, within the city there is an eminence on which stands a tower, and at the top of the tower is hung a slab of wood. Whenever fire or any other alarm breaks out in the city, a man who stands there with a mallet in his hand beats upon the slab, making a noise that is heard to a great distance. So when the blows upon this slab are heard, everybody is aware that fire has broken out, or that there is some other cause of alarm. . . . And I must tell you that every hosteler who keeps an hostel for travellers is bound to register their names and surnames, as well as the day and month of their arrival and departure."

The police of the great cities under the Mahomedan rulers Sikandar Lodi (1517) and Salim Shah Sur (1550) is also described by their annalists as having been excellent. So little like a great city was the spot which Job Charnock selected for his factory, that 'the factors and soldiers lived in huts until they could provide proper habitations.' Even so late as October 1693, Sir John Goldsborough tells us that 'nobody knew where or how to build, but every one built stragglingly where and how they pleased, and there dug holes and tanks that will cost the Company money to fill up again.'

Nothing daunted, Job Charnock proceeded to found his city, and to govern it according to the Royal Charter, 13 Car. 2, dated 3rd April 1661, which authorized the East India Company to appoint Governors and other officers to govern their plantations, forts, fortifications, factories and colonies, vesting in the Governors the powers to judge between all persons belonging to the said Government and Company, and those that should live in their settlements, in all cases whether civil or criminal, and to execute judgment accordingly; and also to make peace and wage war with any people in India. Job was not of a warlike nature, though doubtless ready to defend himself upon an emergency. His mind inclined rather to the simple arts of peace, and taking unto himself a wife from the daughters of the soil, he settled down to mercantile pursuits. She, it is said, was rescued from the funeral pyre and appropriated by him just as she was about to become a Sati. A reference to this romantic incident is evidently made in the following quaint epitaph to Joseph Townsend, a pilot of the Ganges, whose tombstone may be seen in St. Johns' Churchyard, and is dated 1738:—

"Shoulder to shoulder, Joe my boy,—into the crowd like a wedge!  
Out with your hangers, messmates, but do not strike with the edge!  
Cries Charnock—"Scatter the faggots! Double that Brahman in two!  
The tall pale widow is mine, Joe—the little brown girl's for you."  
Young Joe (you're nearing sixty), why is your hide so dark?  
Katie was fair with soft blue eyes—who blackened yours?—Why, hark!  
The morning gun!—Ho! steady—The arquebuse to me.  
I've sounded the Dutch High Admiral's heart, as my lead doth sound the sea.  
Sounding, sounding the Ganges—floating down with the tide.  
Moor me close by Charnock, next to my nut brown bride,  
My blessing to Kate at Fairlight.—Holwell, my thanks to you,  
Steady!—We steer for Heaven through scud-drifts cold and blue.

The pilot died at the age of 85, and from the opening lines of the epitaph, appears to have been carried off to sea by the press-gang in early life within a month of his marriage to 'Katie' of Fairlight whom he never again saw. But we are not concerned with the domestic arrangements of Job Charnock and his friends, and mention the above incident merely as a glimpse at the state of society on the banks of

the Hughli at this early period of the history of the City of Palaces. The rite of *sahagaman*, now punishable as abetment of suicide, flourished in the neighbourhood of the new settlement at the time of its foundation, as indeed it did for a century and a half later. The Government of Calcutta then consisted of a President and Council, who, besides superintending the mercantile affairs of the Company, were very much engaged in their own. There is no record, so far as we know, of the police arrangements made by Charnock, and it is probable that until Calcutta became a considerable town, they were of a primitive kind and resembled rather those in force in the interior than the more advanced institutions which Tavernier found established at Dacca. At Madras, we are told, in the year 1672 the public peace was maintained in the White Town by the Agent as commander of the garrison. In the Black Town it was kept by a native public officer, known as the Pedda (or Big) Naik. In the early days of the settlement 20 native servants, known as peons, sufficed to keep the peace. Subsequently the number was increased to 50. In return for his services the Pedda Naik was granted some rice-fields rent free; also some petty duties on rice, fish oil, and betel-nut. The office of Pedda Naik soon became hereditary after native fashion. It also drifted into native ways. The Pedda Naik and his peons came to an understanding with the thieves. They suffered thieves to escape on condition of receiving half of the stolen goods, and they imprisoned the people who were robbed, in order to prevent their complaining to the Agent. The discovery led to a change. The Pedda Naik was bound over to make good all losses by theft, and the new system seems to have worked satisfactorily.

Madras was at this time and for many years after a far larger town than Calcutta. The Pedda Naik appears to have occupied there a position similar to that of zemindar in Bengal, and to have been an exact copy of a Mahomedan institution. The native\* device of exacting from the landholder restitution in cases of loss by theft was at least as old as the time of Sultan Zain-ul-Abidin (A. H. 826) who is said by Ferishta to have practised it successfully in Cashmere. It was adopted by the early British authorities in Bengal, both in Calcutta and the districts, but except in regard to Government property it failed, as public opinion declared against such a practice.

In the year 1726 the Court of Directors complained to King George I 'that there was a great want, at the several Presidencies, of a proper and competent power and authority for the more speedy and effectual administration of justice in civil causes, and for the trial of offences and misdemeanours.' In con-

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\* [In England the inhabitants of the hundred are liable to give full compensation for property feloniously demolished by 19cts, 7 and 8 Geo. IV. c. 31 ss. 2, 3.—ED.]

sequence of this representation, the Charter 13, George I, 1726, was granted, and a court consisting of a mayor and aldermen established in each of the Company's settlements to try, hear, and determine all civil suits in which British subjects were concerned. From the decision of the mayor and aldermen an appeal lay to the President in Council. The criminal jurisdiction was entrusted to the Governors and Councils of Calcutta, Madras, and Bombay, who were appointed Justices of the Peace with power to hold Courts of Quarter Sessions, and of Oyer and Terminer, and Gaol Delivery for the trial of all offences, except treason, committed within the said towns, or within any of the factories subordinate, or within ten miles of the same. A court house was built in Calcutta where the Scotch Kirk now stands, at the end of the street now known as Old Court House Street. The agency by which the President and Council enforced its orders was the garrison, as is clear from the following account of the arrest of Mr. Bolst, an alderman of the Mayor's Court, who had made himself obnoxious in various ways, and especially by setting up a printing-press and lampooning the Governor, Mr. Verelst. On the 19th September 1768 the following document, signed by the Governor and Council, was delivered to Captain Robert Coxe.—

"Sir,—You are hereby ordered to deliver the accompanying order to Mr. William Bolst which, if he refuses to comply with, you are to use all methods in your power to take him into custody and carry on board the *Cuddalore* schooner belonging to the Honourable Company, and carry him down the river, with a guard on board, and put him on board the ship *Valentine*, Captain Charles Purvis, but not till such time as they are actually weighing anchor. But you are to observe that you are not to break open bolts, locks doors, or windows; but to use all other methods you possibly can to put this order in execution; in which you are to use as little violence as the nature of the case will admit; for which this shall be your sufficient authority."

(Signed) H. VERELST.

" JOHN CARTER,  
" RICHARD SMITH.  
" RICHARD BEFCHER.  
" CLAUD RUSSELL.  
" CHARLES FOWLER.

Captain Coxe's report to the Board as to the arrest of Mr. Bolst was made four days after, and ran as follows:—

"That finding the doors open he went up-stairs and found Mr. Bolst alone, and shewing him the Board's order, Mr. Bolst said he would not leave his house unless Captain Coxe made him a prisoner and forced him: the Captain telling him he was glad to find him so well prepared to leave the place; he said he had expected he should be forced away; and had been very busy in getting himself in readiness. After this Captain Coxe, thinking he made a very unnecessary delay, and fearing he intended to procure himself to be arrested for debt, desired him to make despatch, upon which he again said he would not go unless Captain Coxe forced him. Whereupon the Captain called two sepoys, who put their hands on his shoulder, by his own desire, saying he would not go if they did not take hold of him: he then came down stairs, desiring some gentlemen present to take notice that he was forced out of his house. Captain Coxe adds, that Mr. Bolst was in every respect prepared for this order, having his books and papers in great form which he delivered to his attornies, telling them that everything was so plain they

could not mistake, observing that plain directions were given as to such debts as they were to get in."

The municipal, fiscal, civil, and criminal affairs of the town, so far as the natives were concerned, were administered by a European servant of the Company styled—obviously in imitation of the Moghul system—the zamindar. This officer farmed out the monopolies, collected the rents, and decided all civil and criminal suits. In all actions for property an appeal lay from his award to the President in Council. In capital cases the confirmation of the sentence by the President was necessary. In all other cases the investigation of the zamindar was summary, and his decision final. He had the power of fining, flogging, and imprisoning. He was Judge, Magistrate, and Collector; and he was consequently the most important personage in the rising town. This officer was always changed once and sometimes thrice in a twelve month. He was in almost every instance a total stranger to the native language. His salary was Rs. 2,000 a year, with a percentage on farms which may have given him half as much more. He was always involved in trade, from which he drew an income often ten times the value of his salary. Under the zamindar there was a Kotwal, another imitation of the Moghul's arrangements, with a staff of chowkidars. The functions of the Kotwal were those of a Superintendent of Police combined with certain magisterial powers. Punishments were usually inflicted on Fridays. Here are some specimens: One Ashraj was sentenced to receive 101 lashes every Friday for three months, and Edu, a lascar, to the same number "every succeeding Friday, for the murder of his wife." In capital cases the lash was inflicted till death, but in 1760 blowing from a gun was substituted as being a more deterrent punishment.

The last of the zamindars was Gobind Ram Mitra, the ancestor of a wealthy and respectable family now settled at Benares. He was called 'the Black Zamindar' and exercised criminal jurisdiction, both executive and judicial, over all natives residing in the town. Gobind Ram appears to have been the Dewan of the first zamindar in 1720. In 1752 he was dismissed by Holwell for heavy frauds, but was subsequently re-instated by the Council on refunding a sum of Rs. 3,397. From an account of the family, printed for private circulation, it seems that Gobind Ram fought on the side of the English against Suraj-ud-Dowlah and was made prisoner when the English were confined in the Black Hole. After the battle of Plassey he was rewarded with the charge of the police. He died in 1766. The immediate command of the police force, as well as of the garrison, then consisting of 500 Europeans and the same number of sipahis, rested with the town-major, and in 1758 the Court ordered that 'our Major must in future appoint a

European guard with an ensign to patrol constantly from ten at night to five in the morning.

In the year 1753 by the Charter 26, George II, the Mayor's Court of Oyer and Terminer and Gaol Delivery was continued, and remained with the slight modification of the appointment of additional Justices of the Peace to act when Christians were concerned till the year 1773, when they were abolished and the Supreme Court established. This period of 47 years, from 1726 to 1773, during which the administration of justice was divided between the President in Council, the Mayor and Aldermen, and the Zamindar, was the second epoch in the government of Calcutta. So different is the Calcutta of to-day, that it is difficult to realize the state of things then existing, nor is it my intention to attempt to draw a picture of early Calcutta society. This has been already done by far abler pens, and I shall therefore mostly confine myself to such incidents as appear to be in some way connected with, or calculated to throw a light upon, the police administration of the time. The state of morality in the settlement was at a low ebb both among Europeans and natives. Crimes of all kinds were prevalent, and Holwell wrote: "We can truly aver, that during almost five years that we presided in the Judicial Cutcherry Court of Calcutta, never any murder or atrocious crime came before us, but it was proved in the end a Brahmin was at the bottom of it." In 1765 Radha Churn Mitra was condemned to death for forgery, but more fortunate than the Brahman Nando Coomar, ten years later, was respited. The state of the jail at the corner of the Chitpur Road and Lall Bazaar, now used as a police barrack and called the 'Bailey guard,' was loudly crying for a Howard, and in 1757 some French prisoners escaped from it by mining. The purchase and sale of slaves of both sexes, for domestic purposes and exportation, was common, and the Company itself was not above traffic in human flesh.\* So late as 1760 the neighbourhood of Akra and Budge-Budge was infested by slave ships belonging to Mugs and Portuguese. Pirates preyed upon the coasters, and so great was the dread of them, that about 1770 a chain was run across the river at Mukwa's Fort (Botanical Gardens) to protect the port. Human sacrifices were performed at the Chiteswari Temple in the heart of the town. Amid

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\* Marco Polo tells us that the people of India came to Bengal in search of eunuchs and of slaves, male and female, which were there to be procured in great numbers, and Colonel Yule remarking on this passage, says, "Bengal had an evil notoriety for this traffic, especially the province of Sylhet." The traffic is also mentioned by Ibn Batuta, Barbosa, De Barros, and in the Ain Akbari. A proclamation, forbidding the traffic, was promulgated by the Court of Directors in 1789.

such scenes it was that some of the leading spirits found opportunity to lay the foundation stones of the vast Indian Empire. In 1765 the Diwani was conferred upon the Company as a direct result of the battle of Plassey. Four years later supervisors were appointed to watch over the administration of justice in the interior, followed in 1790 by the establishment of councils at Murshidabad, which, after oscillating between that place and Calcutta, finally found an abiding place in the latter city and were absorbed into the High Court in 1860. In 1772 Foujdari Adawlat was first created in the mofussil. In Calcutta the leasing out of the arrack shops took place for the first time in 1765, that is, contemporaneously with the assumption of the Diwani. In 1773 the Mayor's Court gave way to a Supreme Court, whose jurisdiction extended to all British subjects throughout Bengal, and to natives within the limits of Calcutta. This Court was established by Royal Charter 13, George III, chapter 63, and existed until merged together with the Nizamat and Diwani Adawlat (or Mofussil Supreme Courts) into the present High Court in 1860. The immediate control of the police was vested in one of the Justices of the Peace. Mr. C. S. Playdell, who died in 1779 and is buried in Park Street Cemetery, held this appointment. He was also a member of the Board of Trade and a Master in Chancery.

In 1780 the police was placed under a Commissioner and Superintendent subordinate to the Judges. The town was divided into thirty-two police divisions, with as many *thana-dars*, and a numerous force of chowkidars. A Police Court was established on the premises thereafter called Foujdari Balakhana, from which the quarter of the town between Colootollah and Canning street derives its present name. The police hospital for paupers at Mirzapur appears also to have been founded at this time: at any rate it was in existence in 1794. There was also in 1804 an asylum for insanes in charge of Dr. Alexander Russell. In 1794 the first Commission of the Peace was issued, and separate Justices for the town of Calcutta appointed. Previous to that year it had been the practice for the Judges of the Supreme Court, after its establishment in 1773 to sit in rotation and transact business. The new Justices appear to have come into office in February 1794, taking over from Mr. John Miller the management of the police. The force, of which they assumed the control, consisted of 25 jamadars, 39 naibs, and 472 chowkidars. Mr. C. F. Martyn was Chief Magistrate, and appears also to have been the head of the police until the year 1800, when Mr. William Coates Blaquier was given the charge of the force under the title of Superintendent of Police. Manners during this third epoch—1773



to 1794—had not mended. Bribery and corruption flourished—Hastings himself being accused of the former. Duelling and gambling were common pastimes, the latter often giving rise to the former. The meeting between Hastings and Francis in 1780 was one of the many stirring incidents of those stirring days. The intrigue of the latter with the beautiful Mrs. LeGrand and its romantic sequel was an episode typical of the times. The dissensions among the Councillors, culminating in the trial and execution of Nanda Coomar for forgery, served to enliven the community. Incendiarism was rife in the town, and dacoity the scourge of the whole country. Crime generally had arrived at such a pitch, that in 1787, Sir William Jones in delivering his charge to the grand jury at the opening of the Criminal Sessions of the Supreme Court, animadverted severely on the negligence and carelessness of the police. He observed that the number of arrack shops, and the houses of the *thanadars* (as I have been told) are the principal causes of thefts and murders with which the calendar is swelled. The spirit of litigation was so prevalent, that “to curb and restrain trivial, groundless complaints,” the Courts were authorized to inflict corporal punishment to the extent of twenty strokes of the rattan, or a fine of five rupees on the litigious delinquent. After about twenty years, however, this law fell into abeyance. In 1780 fires were especially numerous. In the month of March a fire occurred in which 15,000 straw houses were consumed, and 190 people were burned and suffocated: sixteen perished in one house. In the same month it was stated: “A few days ago a Bengali was detected in the horrid attempt to set fire to some straw houses, and sent prisoner to the Hurlingham, and on Thursday last he was whipped, at the tail of a cart, through the streets of Calcutta—too mild a punishment for so horrid a villain.” The plan of incendiarism adopted was to fill a cocoanut shell with fire, covered with a brick, and tied over with a string, two holes being left in the brick that the wind might blow the fire through. A man was caught in the act in Dhurumtolah, but slipped away, his body being oiled. It was gravely recommended that those owning straw houses should have a long bamboo with three hooks at the end to catch the villains!

Dacoity and robbery were common in the immediate vicinity of the town. In the words of Macaulay, “all protection to life and property was withdrawn, and gangs of robbers plundered and slaughtered with impunity in the very suburbs of Calcutta. This was the result of the reforms (?) introduced by Clavering, Monson, and Francis, the newly arrived Judges of the Supreme Court.” Gangs from the *mofussil* lived by house-breaking in Calcutta, and carried off their spoils to villages high up on the

Ganges; and it was the invariable practice, even in English mansions, for the porter to shut the outer door at the commencement of each meal, and not to open it till the butler brought him word that the plate was safely locked up. In the year 1780 four armed men entered the house of a Moorman (Mahomedan) near Chowringhee and carried off his daughter. The neighbourhood of what is now called Amherst Street, was so dangerous, that no native would go out at night with a good shawl. The employment of slaves for domestic purposes was still in vogue, and such advertisements as the following appeared in the papers:—

*Wanted.*—Two Coffees who can play very well on the French Horn, and are otherwise handy and useful about a house, relative to the business of a consumer, or that of a cook: they must not be fond of liquor; any person or persons having such to dispose of, will be treated with by applying to the Printer.

*Strayed.*—From the house of Mr. Robert Duncan, in the China Bazar, on Thursday last, a Coffee boy about 12 years old, named Judaz: whoever brings back the same shall receive the reward of one gold mohur.

*To be Sold.*—A fine Coffee boy that understands the business of a butler, kitmatgar, and cooking. Price four hundred sicca rupees. Any gentleman wanting such a servant may see him, and be informed of further particulars by applying to the Printer.

These slaves frequently absconded from their masters, and it was customary to apply to the police to trace and restore them. Among the earliest documents in the police office is a correspondence relative to the pursuit of the truant *malis* of a Dr. Munro into the 24-Pergunnahs. Offences by servants and others were dealt with somewhat summarily by the police.

In 1791, in order to prevent brawls at night, the liquor shops were closed at sunset. Dacoity was so prevalent in the Sundarbans, near Calcutta, that it was found necessary to appoint a Special Commissioner for their suppression. Mr. William Hyndman and Mr. Samuel Middleton held this appointment in succession. A special duty of the police at this time was to prevent the landing of 'interlopers' without licenses from the Honourable Court of Directors, and in case of any surreptitiously affecting a landing, to arrest and take them before the Magistrates. Missionaries were perhaps the most persistent in their attempts to evade this law, and most skilful in baffling pursuit. Among them are found the names of Marshman and Ward, the pioneers of Mission enterprise in Bengal. On the 12th October 1799, Charles Francis, supercargo of the American ship "Criterion," appeared at the Police Office and made affidavit to the effect that Joshua Marshman and William Ward and others came out on board his ship and went to live at Serampore; that Benjamin Wickes, the master, had gone in search of them, as the sitting Magistrate (Mr. Bull) refused to swear him in to his manifest, unless he produced all his passengers at the Police Office. For the performance of these and other miscel-

laneous police duties in connection with Europeans or of a special nature, the Magistrates had at their disposal a body called the Sibbundy Town Guard. This was a semi-military body, and in 1799 was commanded by Captain John Mouggach. In the year 1800 Mr. Blaquiere, as has already been said, was appointed Superintendent of Police. He was also appointed to be a Magistrate and Justice of the Peace. This gentleman, destined to play an important part in the history of the Calcutta Police, \* is described as landing in Calcutta in 1774 (1794?), his hair *à queue* after the manner of the time. He is said to have begun life in India as an Indigo Planter, in which capacity he acquired a knowledge of the people and their language, which no doubt especially fitted him for the post he afterwards so long and so honourably filled. Indeed, it was on this account that he and several other planters were appointed to the magistracy, crime having increased to an extraordinary degree about this time, and the Company's servants being unable to cope with it. Among his colleagues in the magistracy were Thomas Boileau, Mathew Louis, Levi Ball, C. Rothman, A. Mackteir, Thornton, and Colonel Jessop.

The changes and improvements made in the management of the force at this time were of a sufficiently important kind to warrant the inclusion of the name of the Marquis Wellesley in the list of reformers of the Calcutta police. Among other measures, Mr. Dowdeswell, who appears to have been also Secretary to Government in the Judicial Department, was appointed Superintendent General of Police for Bengal, Behar and Orissa. Mr. Fitzroy, Collector of the 24-Pergunahs, in complaining to the Governor-General of the "outrage" committed by the coachman of a native gentleman in driving past him in Cossitollah (Bentinck Street) and whipping his horses, spoke of Calcutta as a place "where your lordship had fortunately established an efficient police." It must not be supposed from the above mentioned incident that the peccadilloes of natives *versus* Europeans were unduly magnified in those days. Justice between the races appears to have been quite as even-handed as at present. Mr. C. D. Smith, of Baraset, was in 1803 very severely censured for an assault on one Khyrullah, made to apologise and give full compensation on pain of being reported to Government. In the previous year, Mr. Hasting Impey, a son of Sir Elijah, and several other young civilians, occupants of No. 16 Writer's Buildings, were desired to attend at the police office to be reprimanded for disorderly conduct. Mr. Impey died in 1805,

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\*[ Mr. Blaquiere knew Bengali well, and was a terror to evil-doers. Those who wish to know more of his magisterial career should read, or have translated to them, the late Piari Mookerjee's novel "Allaler Gharer Dulal."—ED.]

and on his tombstone in the Park Street cemetery are the following lines :—

“ With gentle manners and with modest worth,  
Meekly he sped his destined course on earth.

In 1802 the practice of sacrificing children by throwing them into the river at Ganga Sagur to be eaten by sharks and alligators, was put a stop to by enactment, and thenceforth a party of police and soldiers were sent yearly to the spot to prevent a breach of this humane law. In the same year there was a serious scuffle between some soldiers and the police boundary guard. These affrays between soldiers and police frequently cropped up, and led to the making of certain rules for their prevention, which, with modifications in the direction of greater stringency, are in force at the present day. In 1804 an accusation was brought against the Town Sergeant of bribery and keeping punch-houses by one Lodwick Printz, a matross (recruiter) of artillery. These Town Sergeants were appointed from the army by the Town Adjutant on the requisition of the Magistrates, and appear to have taken up some of the duties previously performed by the Sibbandy Town Guard. Possibly the accusation was false, as at the first Sessions of this year, which lasted only one day, Sir John Royds, who presided, is said to have “paid a just compliment to the system and energy of the well regulated police which we enjoy in this settlement.”

A police and fire-engine station was in the same year established at the corner of Park Street and Chowringhee, and remained there till 1849 when it gave way to the Asiatic Museum. The members of the Calcutta European Cavalry and Infantry Militia appear to have been lacking in zeal about this time, and were called upon by the Police Magistrates to explain their continued absence from parade, and threatened with withdrawal of licence to reside in India if not more regular. This was no vain threat, as obnoxious interlopers were often deported, and just at this time a Dr. William Hill had been sent off to England.

An occurrence of the year 1806 was the trial of J. Gourly, an indigo planter of Rajshahye, for the murder of Thomas Caulfield, another indigo planter of Jessore. In 1807 the Huli and Mohurrun fell together. All the liquor shops were shut and other precautions taken, such as posting soldiers at various places in the town. At this time the boundary of the town was the Mahratta ditch, contiguous with the original jurisdiction of the High Court. This boundary was declared in a proclamation of the Governor-General in Council issued on the 20th September

1794, by virtue of the Statute 33 George III, chapter 52, section 159. It has remained unchanged till the present day. The advantage of the arrangement by which the Magistrate of the 24-Pergunnahs was originally a Commissioner of Police for the town of Calcutta, was to extend the police jurisdiction far beyond the limits of the town into the mofussil. This arrangement continued till 1856, when the Magistrate of the 24-Pergunnahs ceased to exercise any authority in Calcutta. The Magistrates of Calcutta, however, continued to be appointed Justices of the Peace for Bengal, Behar and Orissa. In 1808 Mr. Guthrie, one of the Calcutta Magistrates, was appointed to be a Superintendent of Police in Bengal, Mr. Dowdeswell still remaining Superintendent-General. Various reasons were given for the selection of a Calcutta Justice for this post; one of them being that in this double capacity, he could act either in concert with the Zilla and City Magistrates, or independently of them as circumstances required. He was authorized to correspond with the officers of Government publicly and privately upon subjects connected with the discharge of his duty, and to communicate directly with the Governor-General in Council, through the Secretary of the Judicial Department (who was also Superintendent General of Police) upon all matters connected with his office. In other respects he was considered to be under the general control of the Nizamut Adawlut, and was guided by the instructions of that Court upon any point not expressly provided for either by the regulations or by the order of Government.

In 1809 much counterfeit coin was current, and Mr. Martyn the only remaining Magistrate of the first Commission of 1793, reported "that the casing and milling of copper pice, so as to give a similitude to *sicca* rupees, has now become a very common practice, and a great number of such base metals has found its way into circulation. They are in general very clumsily executed, and easily detected by those who are in the habit of discriminating false from good money. It is not, however, with this class of persons, that the deceit is attempted to be put off. The utterers (the coiners are always in the background) are on the watch for the credulous and unwary pitty (*sic*) shopman whom they commonly find standing on the highways, or seated at corners of streets in the bazars exposing their clothes and little wares for sale." A whole family, it was added, had been found to have been engaged in this industry for years. Another incident of the year 1809 was the trial at the Sessions of a man for assaulting and wounding a 'centinal' at his post on the walk by the river side. The river was the western boundary of the town, as it is still, and there were in those days guards and sentries all round the boundary.

In the year 1810, Mr. Martyn found the missionaries still troublesome. He wrote: "The circuitous route, *via* America, which these missionaries, British subjects, have adopted for some time past to get to Bengal on American conveyances, was noticed by me in an official letter to you (Chief Secretary to Government) of the 7th October 1886. When the "Mercury," now in the river, left Philadelphia last June, a number of missionaries were at that place endeavouring to negotiate passages to Bengal, and I have the authority of the supercargo of this ship for observing, that several of them would have been accommodated, but from the apprehension entertained that the commanders of the American vessels would have been obliged to carry back the missionaries at the cost and charges of those who brought them hither." The post of Police Surgeon at this time was held by Mr. Buirette, and his salary was one hundred *sica* rupees, which proving inadequate, he applied for an increase, saying that it was, "scarcely sufficient for the rent of a house." He represented the town as being extensive, and himself obliged to eschew society on account of the urgency of his duty.

On the 14th June 1810, a duel took place at Neelgunge between a cadet on the Baraset institution of the name of Frederick Mackenzie and Lieutenant Macan of the 8th regiment of native infantry, wherein the latter was killed on his right. The second of Mr. Mackenzie was also a cadet at Baraset of the name of Robert Hawkes. Lieutenant Macan's second was Lieutenant Charles Exupiscous Turner of the 8th regiment of native infantry. "I have committed both these gentlemen," wrote Mr. Martyn, "to take their trial at the approaching adjourned Sessions: Mr. Mackenzie at present eludes apprehension." These Baraset cadets caused the police as much trouble and anxiety as the Missionaries, only in a different way. In reporting a case in which two of them named Neel Campbell and Henry Dyson were imprisoned by the Supreme Court for throwing a sircar of the name of Bissonáth into a tank, brick-batting him, while he was forced to swim for his life, and causing him to be worried and lacerated by dogs during the time he was in the water, Mr. Martyn explained that this sircar had been directed to come out to Baraset to settle his account and imprudently ventured thither. The treatment he received led him, on his return to Calcutta, to state his complaint by petition to a Judge sitting at chambers, and he was referred by that Judge to the Magistrate for redress. No summons or warrant was attempted to be executed at Baraset, because experience had shown, where a process, even of the Supreme Court, had once attempted to be served, the inefficacy and the peril of sending any

officer of the civil power to that institution to execute it. The complainant was therefore directed to be in daily attendance about the Police Office, and as his charge included the names of a number of cadets sworn to be concerned in the outrage, the chances were that in some of the cavalcades that those gentlemen make in their occasional visits to Calcutta, some of their persons might be identified, and then they could be apprehended without any bustle or difficulty. According to this astute method they were arrested a few days after, just as they were alighting at Cadette's Hotel, which is immediately opposite to the Police Office. Mr. Martyn "earnestly advised them not to let the matter be carried before the Supreme Court," and even offered his offices to mediate, but "confident that they should be able to prove an *alibi*," they would come to no terms. The depositions were of course sent to the Clerk of the Crown, and the Grand Jury found a bill on the next day. Even at this late stage the cadets might have prevented the prosecution taking place by a motion in Court to talk with the prosecutor, or they might have traversed, had they and their friends chosen so to have done. They persisted in putting themselves upon their trial, and the consequences were that Mr. C. was imprisoned for eight months and a fine imposed on him of 200 rupees. Mr. Dyson was imprisoned for six months and 100 rupees fine set on him. Convicts from New South Wales were as bent upon getting a footing in Bengal as even the missionaries. They "stowed away," on board ships bound for Indian ports, and endeavoured in every imaginable way to effect a landing. Writing of two of them Mr. Martyn said, "This is not the first, second, or third instance of convicts having found their way to Bengal."

The young civilians of the period continued to furnish an occasional scandal, and on the 13th October 1810, we find Mr. M. Law and Mr. C. M. Ricketts bound over in recognizances in the sum of Rs. 20,000 (*sicca*) to keep the peace for one year towards one another.

On the 7th November the fort Adjutant was requested to furnish a party of 50 sepoys to accompany a police sergeant to Ganga Sagar to prevent human sacrifices during the *Sndu Jatra* festival. The seapoys were to be all Mahomedans. A little later 100 sepoys were told off to assist in preserving order during the Mohurru.

In March 1811 the military authorities called upon the Magistrates to withdraw from the fort "the person now acting there under the authority of the Police!" This the magistrates declined to do, maintaining that the fort was a part of the jurisdiction of the Supreme Court. Subsequently, however, the police were withdrawn, and much later were re-introduced, and a police outpost established in the fort, which exists to the present day.

In the following year the military authorities expressed an opinion that the guards under the civil magistrates were unnecessarily large, and suggested substitution of police for some of them. This was done, and at a later period a further substitution of police for soldiers was effected.

In 1813 fires were unusually numerous and destructive, and Government issued rules with a view to ameliorate the evil. On the 4th January 1814, a chowkedar of the Chand Pal Ghat Thannah was killed by a blow received in a disturbance with the crew of an Indiaman. In April arrangements for the safe custody of Wazir Ali, a political prisoner, had to be made, and the Justices recommended that he should be kept in the fort and not be transferred to the Russapagla jail. In 1815 the Acting Superintendent of Police of the Western Provinces wrote to the Justices, informing them that the police of the cities there had of late been much ameliorated by the operation of the provisions enacted by Regulation XIII of 1813 (to provide for the appointment and maintenance of police chowkedars in the cities of Dacca, Patna, and Murshidabad), and requesting that they would furnish an annual statement exhibiting the number and description of crimes perpetrated in the city of Calcutta. Here there is a hiatus in the police records; those up till March 1819 being unfortunately missing.

The police administration during this fourth period, 1724 to 1819, though vastly better than in the earlier periods, was still of a primitive kind. Horrid sights might be witnessed daily in Calcutta, which would not be tolerated now for an instant, and are remembered only by the very oldest inhabitants. Naked fakirs paraded the streets; the *Aghori* could be seen eating the flesh of dead men at the ghats; suttee fires blazed in the neighbourhood. In six months of the year 1800, within a radius of 30 miles of Calcutta, 275 women were burnt. Brahmini bulls roamed at large to the annoyance of palki-bearers and confectioners. Human sacrifices occasionally took place at Kali Ghat. The offence of Dharna—an anachronism of the modern Penal Code—was still occasionally committed. The following is an account of a case given by Mrs. Fay:—"A Hindu beggar of the Brahman caste went to the house of a very rich man, but of an inferior tribe, requesting alms; he was either rejected, or considered himself inadequately relieved, and refused to quit the place. As his lying before the door and obstructing the passage was unpleasant, one of the servants first entreated him, then insisted on his retiring, and in speaking pushed him gently away; he chose to call this push a blow, and cried aloud for redress; declaring that he would never stir from the spot till he had obtained justice against the man, who now endeavoured to soothe him in vain. Like a true Hindoo he sat down,



and never moved again, but thirty-eight hours afterwards expired, demanding justice with his last breath; being well aware that in the event of this, the master would have an enormous fine to pay—which happened accordingly." On the other hand, ordinary crime appears to have rapidly decreased, for in 1812 the Chief Justice, Sir. J. Royd, remarked in his charge to the Grand Jury that "not a single instance of depredation on private property has occurred during the last six months of magnitude sufficient to be brought before you and this Court!" It is difficult to believe that no such case had occurred: probably none had been brought home to the perpetrators.

From the year 1819 we get upon firmer ground. The era of statistics and annual reports had set in, and tolerably precise information is thereafter available in regard to the amount of crime, and the strength and working of the police force.

The Government impressed upon the Chief Magistrate, (Mr H. Shakspear), that it was his own particular duty to prepare and submit crime returns, and place distinctly under the view of Government, that general information\* with regard to the police of the metropolis which is furnished for the Provinces generally by the Superintendents of Police in their annual reports. In the following year it was further explained that "the Magistrates, in what is technically called the Report Department, are more immediately charged with the precautionary measures necessary to prevent the commission of robberies and other crimes, and to preserve the peace of the city; and the conduct of the guards, watchmen, and police officers is more especially under their superintendence. In like manner it is their province to obtain intelligence of the haunts and machinations of persons of suspicious livelihood, and to communicate with the Magistrates of the neighbouring jurisdictions on matters connected with the discovery and apprehension of offenders and the recovery of stolen property. . . . . It is the intention of Government that one of the Junior Civil Servants . . . . . should assist Mr. Blaquiére in that Department." The barrister magistrates, Messrs. Fergusson, East and Hogg, were allowed to practice, and consequently gave short attendances at the Police Courts. The number of magistrates was therefore increased to five, of whom only one was to be 'a barrister of eminence.' This arrangement was to take effect gradually. In the meantime three junior Civilians were appointed to assist the Superintendent of Police, and Secretaries to Government were ordered to attend at the police office three days in each week. Eighteen Civilians were also appointed Justices of the Peace for the town of Calcutta. This brings us up to the year 1820. We hope in a second article to bring the retrospect up to our own times.

*(To be continued.)*

## ART. IX.—THE ADMINISTRATION OF JUSTICE IN BENGAL.

### ARTICLE I.—CIVIL JUSTICE.

I begin with Civil Justice, partly because it is the more important of the two, and partly because a large branch of the administration of Criminal Justice has lately been ably treated of in this Review \* by Mr. Beighton.

It will probably be admitted that the administration of justice is the weightiest function of Government. It is mainly for this purpose that Governments exist. Justice, or *Insáf*† as the Natives call it, is what subject peoples most desire from their rulers. Especially do they look for this when they are governed by foreigners, for it is the hope of getting justice which reconciles them to such a position. A foreign government has even more need than Montesquieu's democracy of making virtue its guiding principle, for it has nothing else to rely upon, except, of course, brute force. A foreign government seldom, if ever, wins the love of its subjects, and I suppose that no body would assert—except, perhaps, in a Jubilee-speech—that the British Government is beloved by the Indians. As Sir Lepel Griffin wrote long ago, “the heart of the people in India is deep, and if we endeavour to find there any affection for ourselves, we shall most surely seek in vain.” He goes on to say that the English Government is esteemed by the natives of India on account of its justice, and in this I fully agree with him though I should be loth to accept his cynical and possibly Byronic sentiment, that esteem is stronger and better than love, as the latter must pass through the stages of passion, indifference and disgust! It is not true that love must always end in the “sad satiety” of Shelley, as we may hope that poet would have discovered if he had lived beyond thirty. It is true, however, that much of the love which Eastern nations have given to their sovereigns had no reasonable basis, and it may be that a cold esteem is better and more dignified than such affection. I have never been able to sympathise with the fondness which some native writers feel, or affect to feel, for such princes as Adisur and Pratápáditya, or the opium-

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\* No. CLXXI for January last.

† It is interesting to find that the Arabic word *Insáf* is derived from *nisf*, the half or the middle, so that it expresses an idea similar to that contained in the Latin *aequus*. From *Insáf* comes *Munsíf*, or one who administers justice, and from that we have the word *munsifi* or justice which some of my readers may remember as occurring in the beginning of the *Bagh-o-Behar*.

eaters of Rajputana. The great Akbar is the only Indian prince upon whose memory one can really dwell with pleasure, and even he shows ugly scars when exposed to the fierce light which beats upon a throne. The man who drowned refractory Moollahs, and flung from the battlements of his palace a poor farāsh who fell asleep on his carpets, had certainly not altogether succeeded in "working out the beast."

Poor Bengal has so long played the part of Issachar that she feels a difficulty when she is now endeavouring to stand erect. She is in the position of the man in Plato's vision who was suddenly released from the underground cavern. The vices and weaknesses of her people are, to a great extent, the vices and weaknesses of the slave—envy, timidity, distrust, and what Matthew Arnold was wont to call, the spirit of parochialism. There used to be, and still is, so much *daladali*, or spirit of faction, in Bengali villages, that a foreigner had an advantage as a dispenser of justice. He was free not only from favouritism, but from the suspicion of it, for even one "in whom all evil fancies clung like serpent-eggs together" could hardly accuse a judge of partiality in deciding between persons of a different nationality and creed from his own. It is the suspiciousness of the Bengali character which excuses, though it does not justify, the cruel practice of frequently transferring judicial and ministerial officers. A foreign judge in Bengal has, or had the same *raison d'être* as a Podestà in a Lombardy republic. He is like Cromwell's judges in Scotland, who had no difficulty in dispensing indifferent justice, because they had no connections with the country—were, in fact, "a whcen kithless loons," as a Scotchman contemptuously designated them. Southern people are all more or less alike, and the inhabitants of Lombardy do not resemble Bengalis only in cultivating rice, and in their favourite terms of abuse. They are, or at least were, even more, under the influence of *daladali* and even more suspicious of the existence of *khātiri* and *pakshypātita*, for not only was their Podestà or chief magistrate a foreigner, but they had also a rule that he could neither marry a native, nor have any relation resident within the district, nor eat or drink in the house of any citizen. What a terribly dull life the poor man must have had, and could any salary or honour compensate for such boycotting?

Though it may be admitted in argument that the due administration of justice is of immense importance everywhere, and that it is a vital question in Bengal, yet the state of affairs in the Lower Provinces shows that the truth is not recognised in practice. Munsifs are the back-bone of the administration of Civil Justice in Bengal, for they try nearly all cases of one thousand rupees in value and under, and this means, in a poor

country like Bengal, that four-fifths of the suits that are instituted come before them and a few Small Cause Court Judges.\* Their share of the litigation will be still greater if Government and the High Court take advantage of recent legislation and authorise Munsifs to try cases up to two thousand rupees in value, and give Small Cause Courts jurisdiction up to one thousand rupees. This legislation is in accordance with the proposals of that distinguished High Court Judge Sir Louis Jackson, though in one respect it does not go quite so far as his recommendation. He thought that Sadr Munsifs, that is Munsifs at District head-quarters, should be authorised to try all suits up to Rs. 2,500 in value, and that other Munsifs should have similar jurisdiction in suits for money and movable property. If Munsifs be vested with jurisdiction up to Rs. 2 000, they will absorb much of the work now performed by Sub-Judges, and the distinction between higher and lower grade pleaders will, to a great extent, disappear. The change may produce some saving to Government, for Munsifs are paid less than Sub-judges, but I trust that not much account will be made of this. The change will be chiefly beneficial by relieving Sub-Judges of a portion of their work, and so enabling them to dispose more quickly of the remainder. At present they take on the average eight months to dispose of a contested case, and about half that time to dispose of an uncontested one, while appeals often remain pending for upwards of a year. It may surprise my readers to hear that uncontested cases last so long as four months, and that the average is as much as half that of cases in which there is contention. The reason of this, I believe to be, that the figures are rather misleading. Cases not decided after trial are regarded as uncontested, and thus a case which may have been hotly contested for months, but is eventually compromised, is set down as uncontested. There can be no mistake, however, about the delay in deciding appeals. It is well known that great and even excessive efforts are made by Judges in the interior, and especially by native Judges to show clear files at the end of the year. Probably more decisions are dated 31st December than any other day in the year, and yet in spite of all such efforts, we find that at the end of 1886, there were over

\* There are only 11 officers in the interior who are exclusively Small Cause Court Judges. Four of them are Englishmen, and have charge of Cantonment Small Cause Courts. But there are about 17 officers who are either Subordinate Judges with Small Cause Court powers, or Small Cause Court Judges, with powers of a Subordinate Judge. Many Munsifs have also Small Cause Court powers, and apparently the cases decided by them in this capacity are included in the 88,993 cases shown hereafter as decided by Small Cause Courts, so that all of these should not be deducted from the total of cases decided by Munsifs.

ten thousand (10,120) appeals pending before District and Sub-Judges, and that three hundred of them had been pending for over a year. How many heartbreakings and sicknesses caused by hope deferred are connoted by figures such as these !

Seeing that the administration of justice is so important and that so much of it is in the hands of the Munsifs, one might expect to find them treated with especial consideration by the Government. What then is the position of Munsifs? I fear that the reply must be that they are neglected, and that they have many grievances, most of them well-founded. I proceed to show more at length what their services are, and how they are rewarded. Though I am writing in August 1888, the report on the Administration of Justice in Bengal for 1887 is not yet published (a fact which is itself indicative of over-pressure), and I have therefore to refer to the report for 1886. From it we find that nearly half a million (471,575 are the exact figures) of original suits were decided by the Civil Courts in 1886, and that of these, 373,070 were decided by Munsifs, 88,993 by Small Cause Court Judges, 8,536 by Subordinate Judges, 537 by District and Additional Judges, and 499 by the High Court. Thus, then, we may say that if a pyramidal trophy of the outturn of justice in Bengal were constructed, similar to that of the outturn of gold from the different colonies, which is a feature in an Australian exhibition, the production by the Munsifs would be represented by a very broad base, while a finely tapered point would stand for that of the High Court. I do not wish to convey a wrong impression. Such a pyramid would leave out the appellate work of the superior Courts, and would also not record the fact (irrelevant to our present subject) that the superior Courts have executive duties and criminal jurisdiction. Still the pyramid would fairly enough represent the facts, and its configuration would be the natural result of the poverty of India, and of the circumstance that Munsifs considerably outnumber the other grades of Judges.\* Supposing that appeals were included in the trophy aforesaid, the proportions of the pyramid would be somewhat, but not greatly altered,

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\* The figures 471,575 do not include the work of the so-called Revenue Courts, *e. g.*, the Collectors and Deputy Collectors in Orissa, for the High Courts Annual Statement No. 2 does not include them, though curiously enough Statement No. 2, showing institutions, includes cases instituted in the Revenue Courts. The work of the Revenue Courts appears in statement No. 1. Statement 4 shows that in 1886, 10,627 cases were instituted from the Revenue Courts, and 10,571 disposed of. It would be well if statement No. 1 were made co-extensive with statements 2 and 4. If the work done by the Revenue Courts, *i. e.*, the rent suits decided by them, were added, the figures would be 482,146. It will be remembered that the purely Bengali district of Sylhet no longer forms part of Bengal, and that its litigation appears in the statistics for Assam.

for, though it is often said that every case is appealed, the actual facts are otherwise. In many cases no appeal lies, and recent legislation, *e. g.*, the Bengal Tenancy Act, has increased the number of such cases; but apart from this, we find in Lower Bengal the ratio of appeals to appealable cases is only about one-fifth. Curiously enough the ratio of appeals is far greater in Behar than in Lower Bengal or Bengal Proper, and it is the high ratio which prevails in Behar which makes the proportion for all Bengal so much as 26·85. In the Twenty-four Parganas the ratio in 1886 was 28 per cent., in Rungpore 17·73, in Jessore 16·42, and in Moorshedabad as low as 10·34. There must have been temporary causes effecting some of the ratios, for otherwise we cannot understand how the contiguous districts of Jessore and Nuddea should exhibit such different results, the ratio in one being 16·42 and in the other 29·07. But nothing except racial and educational differences will explain the disproportion between Behar and Lower Bengal. Even in such proverbially litigious districts as Dacca, Bakerganj and Faridpur, the ratios were only 28·33, 23·11, and 24·50, whereas in Patna the ratio was 40·49, in Gya 44·78, in Shahabad 38·94, in Tirhoot 39·53, and in Sarun 45·07. And these are not the exceptional figures of one year. The reports for previous years show similar results, and the fact is so well known to the High Court, that an extra number of Sub-Judges has to be posted to Behar to dispose of the appeals. I think that figures, such as the above, must be rather a shock to those who believe in the litigiousness\* of the Bengali of the Delta. It is the number of appeals rather than that of suits which is a note of litigiousness. People cannot help going to Court when they are wronged, and the fact that plaintiffs win, wholly or partially, about 78 per cent of the cases instituted, (decreed 62·6 per cent, compromised 14·8) shows that they have generally been wronged.† But men who persist in appealing from one Court to another are for the most part possessed of a litigious or quarrelsome spirit. In this respect Behar is the Normandy of Bengal. And the result might fairly be anticipated when we consider how far the Beharis are behind the Bengalis in education, and consequently in honesty. It is the fashion now-a-days to pit the Beharis against the Bengalis and to represent the former as a superior

\* Sir J Stephen speaks of the people of Bengal as being passionately litigious. He infers this from the great number of appeals to England, but I suspect it will found that most of these come from Behar. Besides, the results of these appeals show that there are often good grounds for making them.

† In the Calcutta Small Cause Court the percentage is still more favourable to plaintiffs. In the three years 1884-86, it was as high as 82.

race, and attempts are even made to sow dissension between the two peoples. But in fact the Behari is inferior to the Bengali, except in physique, and he has the good sense to know this. Whatever some officials may say, the Behari is generally on friendly terms with the Bengali, and gladly avails himself of his services as a pleader, as a doctor, or as a zamindari servant. Naturally he does not like Bengalis to get appointments which his sons or cousins might have got, but he knows well enough that the former are the better men for the work. A similar remark applies to the relations between Mahomedans and Hindoos. If the Mahomedans really are as fit for Government appointments as Hindus, why are they not to be seen alongside of the Hindoos in the walks of life where there can be no question of Government patronage? Why, for instance, are there only two Mahomedan Pleaders at the Bar of the Twenty-four Parganas, and these two, young men just beginning to practise?

I have seen a good deal of forgery and perjury in the course of my service, but I never saw so much as when I was Judge of Patna. I well remember being struck with one case, in which the defendant showed a litigiousness and audacity unrivalled in Bengal. A Hindu widow sold her husband's property to her brothers. The reversioners tried to set aside the sale, and the Sadr Diwani set it aside as an out and out disposal of the property, but allowed it to stand good for the widow's lifetime. The widow, as is often the case with Hindoo widows and other annuitants, lived for a great many years, but she died at last, and the reversioners prepared to enter upon their property. One would have thought that after the judgment of the Sadr Dewani there was no room for further litigation, and that the lady's brothers would have retired from the field. Not so. They raised the plea, so dear to defendants, of limitation, and said that the widow had really died fifteen years before, and that consequently the reversioners had lost their title! In support of this plea they led into the witness-box one hoary headed swain after another to depose that the lady had died 15 or 20 years ago, and that they had seen her cremated! There were no documents, and the absurdity of the defence was apparent. To say that the reversioners had slept over their rights for 15 or 20 years after so zealously fighting for them during the lady's lifetime, was, to use the homely but graphic simile of their Pleader, as if a man had with great labour and expense cooked himself a good dinner, and when all was ready and nothing remained but to fall to and eat, had left the dishes untouched, and sat down hungry and supperless. Beharis have many good qualities, and in one respect at least they are superior to Bengalis. They do not beat their wives;

at least, if they do, their wives are not the poor weaklings that they often are in Bengal, and do not die incontinently of a ruptured spleen, and so we have few cases of wife-murder in Behar. But in litigiousness, and in the practice of forgery and perjury, the Beharis are considerably worse than the Bengali.

But I must return from this digression and state the precise number of appeals decided by the Superior Courts in the interior in 1886, *i e.*, of appeals both from Munsifs and from Sub-Judges. It amounted to 19,997 or about one-twentieth of the cases decided by these Courts. Of these 11,453 \* or more than half (57·24 per cent.) were confirmed, and 3 587 (17·94 per cent.) absolutely and finally reversed. Munsifs then do most of the work. They are like the English yeomen who decided the battles of Cressy, Poitiers, and Agincourt. The burden and heat of the day mainly falls upon them, just as the administration of criminal justice falls mainly on Deputy Magistrates. It cannot be otherwise ; for as we have seen, their numbers exceed those of the other grades. There are about 240 Munsifs employed in Bengal, either temporarily or permanently, whereas there are only 30 District and Additional Judges, and 48 or 49 Sub-Judges. Munsifs' Courts are also the most profitable to Government. In 1886 they contributed more than 30½ lakhs out of the Rs. 37,30,000 which represented the net profit to Government from the Civil Courts. † The value of each suit, and consequently the amount of the stamp duty, is less than that of a suit in the higher courts, but, like third class railway passengers, their number is so great that they contribute the bulk of the profits. What, then, is the position of Munsifs ? I am afraid it must be said that they are treated as Peter, Martin and Jack were dealt with when they appeared in public without shoulder-knots. They are shown into the back seats. Probity is commended and starves, says Juvenal. It cannot be said that Munsifs are starved. They get fair pay and have pensions when they retire, but neither can it be said that they get commendation. "Laudanter" cannot be said of them. The man whom officialism delights to honour is the smart executive, who displays a vigour beyond the law, ‡ who never makes difficulties, and is indefatigable in getting up subscriptions and in working Sec. 211

\* By a mistake in statement N. of the High Court Report for 1886, these 11,453 are entered "compromised."

† I believe that the only Civil Courts which do not pay their expenses are the Cantonment Small Cause Courts. At least, that at Dinapore used to entail a small loss on Government.

‡ [We think our Reviewer is mistaken in supposing that executive vigour *beyond the law* meets with commendation. As for using official influence to get subscriptions for objects which cannot benefit the subscribers, we know that now-a-days, whatever it may have been in the past,



of the Penal Code. An old native Deputy once startled me by observing—"Sir, we Deputy Magistrates are like Holloway's ointment." "How so said I?" "Oh," replied the Deputy, "because, we are applied to every thing." Surely this is quite as good as Lord Roseberry's remark about the title of Empress being "for external application only." I have said that Munsifs have many grievances. A small one is, that they have no orderlies. The newly appointed Deputy or Sub-Deputy has his chaprassy, but the oldest Munsif has not, and if he wants his cutcherry-box taken to Court, he must employ his own servant or a process-server. Generally the latter does duty, but the Munsif is at the same time in fear and trembling lest a hyper-conscientious Judge denounce him in an inspection-report. Another grievance is that they do not get the Calcutta Gazette, and so cannot beguile their solitude with seeing the latest transfers and promotions, or even get the earliest notice of a public holiday or of a High Court circular.\* The monotony and severity of their work are more substantial hardships. They work very hard and under unhealthy conditions. They have always more work for the day than they can get through. There are always witnesses who have to be sent away unexamined, and pleaders to each of whom they have to say as Felix did to St. Paul—"Go thy way for this time; when I have a convenient season I will call for thee." There are no breaks in their work. It is the same thing from Monday till Saturday and from January to December. They cannot have any pleasant picnics, such as the cold weather tour supplies to executive officers—picnics (Bambhojon, feasts in the woods,† as the Bengalis call them) whose pleasure is enhanced by the guests being paid for their presence. If my readers could see the miserable dens in which so many Munsifs spend their days, they would not be surprised at so many of them breaking down, at their becoming martyrs to dyspepsia, or perishing of diabetes. A short run by train will convince any one, that even so close to the lamp as in the Twenty-four Parganas, Munsif's Courts are little better than hovels. For instance, if one goes to Diamond Harbour, he will find that to get to the Munsif's Court, he has to walk some distance from the Railway station, and to cross in a ferry-boat a deep and wide tidal khal with slimy banks, and

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nothing can be more distasteful and even hateful to nine District Officers out of ten, if not to all. Many have refused to recognize even quasi-official "whips" in such matters.—ED.]

\* This grievance has been recently removed.

† [Behar may have some dry and pleasant topes to pitch a tent in. But does travelling allowance compensate for camping in paddry-fields and pestilential jungles?—ED.]

when he arrives at the Court-house, he will see four Munsifs and their establishments crowded into a small two-storied building which will at most accommodate two Courts. It may be thought that the two stories are a mark of luxury, but in fact the house is less convenient than a good thatched bungalow. It is pukka and two-storied merely to give the inmates an opportunity of escaping from a storm-wave. It was never contemplated that the lower storey would be inhabited; it was intended merely as a pedestal to the upper storey. At Baraset, still nearer Calcutta, and which in the good old days was a Magistrate's head-quarters, the traveller will find two Munsifs occupying the lower floor of a small house while the Deputy Magistrate sits overhead. Near at hand is a spacious structure, once, perhaps, inhabited by jolly cadets, but which now holds a few short term prisoners. One would think that it would be easy to reverse matters, to put the Munsifs and Magistrate into the large building and the six or seven prisoners into the small bungalow, but such measures are too transparently effective, and resemble too closely Cyrus' method with the boys and their cloaks, to meet with executive approbation. I am anxious not to overstate the case, or to appear to treat the matter otherwise than with judicial calm. I therefore proceed to quote from official reports, in order to show that I do not use stronger language than has been employed by Justice Prinsep and other Judges of the High Court.

The subject of the accommodation for Munsifs' Courts was especially noticed by the High Court in their Reports for 1883 and 1884. In that for 1883, we have the following weighty paragraph:—

The surplus revenue derived from the Civil Courts is so large, that the Judges desire to take the present opportunity of drawing attention to the very insufficient expenditure which the Government has, in recent years, found it possible to devote to the improvement of judicial buildings in the Mufassal. The condition of these buildings has been frequently brought to notice, and must be presumed to be known to the Government through the reports of the Public Works officials. Many of these are, from their construction and appearance, totally unfit for Courts of Justice, and the majority of these are from their liability to fire, exposure to damp or other causes, unsuitable for the safe custody of valuable documents. It is not reasonable to expect that an officer sitting in a confined, dark, damp, office, into which his utmost efforts cannot import decent order, should take that interest in the proper disposal of the records, and in the neatness of his proceedings, which is essential to the proper performance of his duties.

In 1878, after a lengthy correspondence with the Government of Bengal, it was decided that new Court houses should be built for Munsifs and Subordinate Judges on a standard plan, and that a sum of about Rs. 50,000 should be set apart yearly for that purpose and for improving the already existing buildings. The promised expenditure, though insufficient for the purpose, was welcomed by the Court, as being in excess of that of previous years, and as likely, at all events, to improve the condition of the

worst Courts. Since the year 1878, however, in only one year has the full amount been allotted. In one year the amount allotted fell short by about Rs.1,500 of the sum specified, and in the remaining years, the expenditure has fallen short of the promised amount by more than one-fourth. During the current year the estimated expenditure is a little over a quarter of a lac of rupees, and all recent references to the Government of Bengal on the subject of new Court-houses for particular stations have been met with the reply, that owing to want of funds it has not been found possible to make any progress with the new Court-house.

This is followed by extracts from the District Reports giving descriptions of the Court-houses. I select the following passages:—

*Dinapore.*—The Court house at Hemtabad is an old rickety, straw thatched *kacha* building, and liable to take fire, being adjacent to the local bazaar. The buildings at Thakurgaon, Chintamen and Patnitolah are also thatched. The house at the last mentioned station is ill arranged for light, fresh air, and coolness."

The next extract gives us the state of things in a metropolitan district:—

*Nuldea.*—The Court at Chuadanga is held in a bungalow with one room comprising an area of 20 cubits by 21, in which the office is also accommodated, while that at Meherpur is held in a thatched mat-walled building, the office of the Court being accommodated in the verandahs. A new Court-house has been sanctioned for Bongong, but no action has been taken in the matter, because the site for the building has not been selected. The Court at Ranaghat is held in a dark and ill-ventilated thatched hut with very limited accommodation, &c., and infested with white ants. The office is held in the verandahs.

Here is a graphic description of the woes of the copyists at Patna:—

*Patna.*—The Court buildings are exceedingly defective, owing to the increase of business. The copyists sit in a verandah where they are frozen by the north wind in the winter, grilled by the west wind in the season, and wetted by every heavy shower during the rains.

Poor copyists, their distresses remind us of those of Prometheus on the Caucasus.

*Rajshahye.*—The Maldah Court house consists of some low, ill-ventilated and dingy out-offices attached to the Collectorate Cutcherries.

*Rungpore.*—At the outlying Munsifis, there are still the same wretched mat and thatch buildings. The Julpaiguri Subordinate Judge's Court-house is a mat building with an iron roof and boarded floors, the noise made by the voices and the feet of the office establishment and the public, is such as to render it out of the question to work there. The Subordinate Judge consequently works at his private bungalow.

It should be acknowledged that this building was constructed as an "improvement." The old civil buildings were mat bungalows which had probably descended to the position of Courts after having been part of the cantonment. They were burnt down and hundreds of suits and documents were destroyed. Corrugated iron was employed at the reconstruction as a preservative against fire, but unfortunately Julpaiguri is

in the plains, and the iron roof makes the rooms very hot in spite of felt. The rains are also heavy there, and the pitter-patter of the rain drops on the roof makes it difficult to hear what is going on inside the Court.

Here is the account of the Munsifi at Diamond Harbour which I have already described from my own observation :—

The present building at Diamond Harbour, erected in 1871, does not afford sufficient accommodation for the three Munsifs stationed there. The third Munsif, with the establishments of the three Munsifs, is accommodated in the lower storey, which is utterly unfit for habitation. The Court should be removed to the railway side of the Diamond Harbour creek, as being more convenient to the public.

The subject is resumed in the report for 1884, and a number of fresh extracts from District Reports are given. I cull from them the following remarks :—

*Bhaugulpore.*—The want of room in the Court-houses at head-quarters is seriously felt. The English, accounts, and Nazir's establishment are accommodated in what was originally a narrow verandah. The transformation of the verandahs into rooms, has made the Judges Court-house very oppressive during the hot weather. At Banka, a building for the Munsif's Court has been promised at intervals during the past decade, but it still remains a possibility.

*Tippesah.*—In the outlying stations things are rather worse than before. All (the Courts) are liable to speedy and total destruction from fire, and are by no means fit to be the receptacles of valuable documents.

Mr. Justice Prinsep made the following remarks after his tour of inspection :—

*Chittagong.*—The contrast between the Court-houses allowed to Subordinate Magistrates and to the Subordinate Civil Judges is very striking, and tends very seriously and improperly to affect the position and dignity of the latter. This is more apparent at sub-divisional stations, where the Deputy Magistrate has not only an excellent Court-room and office, but is provided also with a comfortable official residence, while the Munsif's Court is held in a hut, and the Munsif himself is obliged to obtain the best accommodation which the village can afford, generally of the meanest description. I looked at the Magistrate's Courts at Chittagong, and found them infinitely superior to those supplied to the Civil Courts. The difficulty frequently experienced by Munsifs in obtaining a decent habitation separates them from their families, whom they are obliged to leave with their relatives or friends, and this puts them to much discomfort and expense. It would be conferring a substantial benefit on the Judicial Service, if at stations where respectable house accommodation cannot be procured, a moderate kutchahouse was built by Government and let to the Munsif at a fair rent. The constant changes which arise from the necessities of the public service alone prevent any Munsif from building a house for himself, even if he has sufficient available capital, for he cannot be certain that it will be taken by his successor. If such houses were built by Government, they would be built on the understanding that the rent should be deducted from the Munsif's pay, so that there would be no such risk.

*Shahabad.*—The increase of work has necessitated the appointment of two additional Munsifs, who hold their courts in a small bungalow rented from a missionary, and distant about 80 yards from the other Court-

houses. These bungalows are dark, dirty, and exposed to dust, rain and heat. The Government building (occupied by the Subordinate Judge and First Munsif) is certainly unfit for occupation by any court. As Mr. Justice Loch remarked in 1866, there is hardly room to turn. In this hut I found a Civil Judge trying a suit against Government involving property valued at one lakh of rupees. If this building is unsuitable for occupation as a court, it is difficult to condemn, in sufficient strong terms, the hovel in which the two other Munsifs were administering Justice. Light and air were admitted only through the doors at which the public entered, and they were exposed to the full force of a high wind laden with heat and dust. In cloudy weather or late in the afternoon, it must be impossible to see to read or write, without straining the eyesight. The walls and roofs were covered with dirt, dust and cobwebs. In fact, the building was altogether unfit for human occupation, and can be best described as an out-house to a farmer in which only a pony or even meaner domestic animal\* would ordinarily be kept. And yet in spite of remonstrance, officers of Government, of education and respectability are expected to dispense justice day after day, and to maintain, in such a place, the semblance of some dignity in the eyes of the public. The Courts at Arrah are the worst I have ever seen, and yet Arrah is a place of some importance, easily accessible and constantly visited by the highest Government officials. . . . I have difficulty in accepting the usual answer of want of funds, when I constantly find excellent offices built for every other Department.

*Bakarganj*.—The Courts of the four Munsifs are held in a small pucca house, 200 or 300 yards distant, which is dirty, out of repair, and too small for the purpose. If the house were properly repaired, it might be used for three Munsifs. There is no room at all for the fourth Munsif, who is compelled to hold his Court in an extremely small verandah exposed to sun and rain.

*Khulna*.—On my way from Barisal to Khulna, I stopped for a short time at Bagirhat, where two Munsifs were sitting in Courts constructed after the standard pattern. The thatched erections were clean and airy, but they hardly afforded sufficient accommodation for the Munsifs' offices. The Munsifs find some difficulty in obtaining decent habitations for themselves. On the other hand, the Deputy Magistrate, also a native gentleman, was located in an upper storied pucca building, the property of Government, on the upper floor of which he lived rent-free, holding his Court below. The contrast is very striking, and cannot but injuriously affect the estimation in which the Munsif and Civil Courts are held by the public.

These remarks are endorsed by the High Court as follows:—

The Judges believe that they would fail in their duty both to Government and to the public, if they refrained from drawing attention to the generally unsatisfactory condition of the judicial buildings in the district of Bengal. As a matter of economy, the best and most efficient judicial work cannot be done in rooms or buildings not only not adapted for the purpose, but unsuitable in the many ways which are mentioned in the reports of District Officers. It is not to the honour or credit of a great Government that one of its highest functions—the administration of justice—should be performed in wretched, ill-lighted, and dilapidated huts in which humble peasants would scarce be content to find a dwelling. Having regard to the attention paid to the offices (and even residences at sub-divisional stations) of the executive officers, of Government, and the expenditure annually incurred in erecting new buildings for their accommodation, the neglect shown to the indispensable

\* We have heard of High Dutch. Is this High Coutese for pig?

requirements of the Judicial Department is the more noticeable, and the native community cannot but make a comparison unfavourable to the estimation in which Government holds the members of the Subordinate Judicial Service. The revenue derived by the State from the Judicial Department is so large and constantly increasing, that after making every allowance necessary for financial pressure and financial exigencies, reasonable provision may fairly be made for the regular annual expenditure of such a sum as will keep existing Court-houses in proper repair and provide for the gradual erection in the district of proper buildings, and, where absolutely necessary, (as in Sub-divisions) residences for the Judicial Department of Government."

It does not appear that these grave remonstrances and representations have had much effect. All that is said on the point in the report for 1886, is that the subject of the improvement of the buildings occupied as Civil Courts, particularly by the Munsifs, has been frequently brought to the notice of Government, and is gradually receiving attention.

The above extracts relieve me from the necessity of saying much more on the subject. I will add that even when proper Munsifs' Courts are built, a want of consideration is often shown in selecting sites, or in providing reasonably comfortable surroundings. For instance a new Munsif's Court was built at the Sub-division of Behar, but instead of placing it close to the Sub-Treasury where a site had already been selected and which was the proper place for a Court having constant dealings with the local Treasury, the building was erected at the distance of a mile from the Sub-divisional head-quarters. This was done in spite of the remonstrance of the District Judge, and solely because the Magistrate thought that the proximity of the Munsifs' Court-house might be inconvenient to the Sub-divisional officer on account of the noise made by the suitors. Then, again, it would seem clear that the Small Cause Court of Patna, if not all the Courts, should be located within the city,\* and not four or five miles away at Bankipore, but this has not been done. The important Sub-Division of Bahh of which so many have heard in connection with the name of Mr. Vincent, lost its Munsif's Court after having had one for many years, because rent-suits were transferred to the Collectors. These suits have long since come back to the Civil Courts, but the Bahh Munsifi has not been restored, and people have to go for their rent-suits to Bankipore, forty miles away. At Barripore in the Twenty-Four Parganas there are two Munsifs' Courts, and the work is heavy enough for even more Courts. But the Munsifs live out there in the jungle and without society, for a Magistrate, who disliked Sub-divisions because they increased work, had that

\*Patna is the second city in Bengal and has a population of over 150,000.

at Baripore abolished. The Munsifs remain, but it is very inconvenient that there should be no treasury at hand, and no adequate police protection. The removal of the Sub-division has also diminished the numbers and efficiency of the local bar.

As regards the proposal of Mr. Justice Prinsep that Government should build residences for Munsifs, I fear that it is never likely to be carried out. A simpler plan, or at least one which could be carried out without expenditure of Government money, would be to appoint Munsifs to their Stations for five years certain, and to insist on their successors taking over their dwelling-houses at a valuation, or on a fair rent. If this were done, I think that Munsifs and landowners would be encouraged to build good dwelling-houses. It would only be necessary to make an arrangement of this kind in out-of-the-way places where dwelling-houses are not otherwise procurable. It is the frequent transfers of officers which dishearten private landlords, and prevent them from building houses, or from keeping them in repair. For instance, at Faridpur and other small stations, houses have been allowed to fall to ruins because the owners had no certainty of getting tenants. A married man would be succeeded by a bachelor who chummed with somebody else, instead of living in his predecessor's house, or who in extreme cases would make shift to live in a tent or a boat.

One of the heaviest grievances of the Munsifs is that virtually they do not get privilege leave. They cannot get such leave except on proof of urgent necessity, and then only on half pay, except under special circumstances. It is an aggravation of this grievance that the rule is of recent introduction. Formerly they got their privilege leave like other officers. It must be admitted, I think, that the rule is somewhat harsh and unfair. District Judges get privilege leave as well as 15 days at the time of the pujahs, and High Court Judges not only get privilege leave and vacation leave, but are allowed the exceptional advantage of tacking the one on the other, so that leave for a month gives them three months' holiday. The reason assigned for not granting Munsifs (and Sub-Judges) privilege leave is, that they get vacation leave. But in fact they do not get the whole of it. They lose a day or two generally as they have their correspondence to dispose off. Moreover, it is the practice of the High Court and the Government, to transfer Munsifs at vacation time. Every Durga Pujah brings with it a Gazette conveying the annual reliefs (?) of the rank and file of the judicial army, and thus many Munsifs have to spend their vacation on the wing, so to speak, in order that they may be at their post by the time the Courts re-open. It may be said that there is a rule which gives them compensation for this, as they are entitled to

joining time, and if they have to join in vacation time, they will afterwards get a corresponding amount of privilege leave. But there is the barrier to this, that privilege leave, even on half pay, is only granted to Munsifs on proof of "urgent necessity."

Another grievance, and one which the High Court has endeavoured to remove, is that when a Subordinate Judge or a Munsif of a higher grade takes leave, the post is not filled up. Thus, if a Munsif on Rs. 400 takes furlough, a *locum tenens* is appointed on Rs. 200, and no promotion is given to the Munsif who is on Rs. 300.

The new Civil Courts Act XII of 1887, has not improved the position of the Munsifs. On the contrary, it has taken from them the power which they formerly had of appointing their ministerial officers. It is difficult to understand why such a retrograde step was taken. Munsifs are the persons most interested in having efficient establishments, and now they cannot even appoint a peon. The appointment must be made by the District Judge. The rule applies to all the Subordinate Courts, though one would think that a Subordinate Judge, who is entrusted with the trial of cases worth lacs of rupees, might at least be allowed to appoint a peon on Rs. 8 a month. The change is certainly a slight on the Subordinate Judiciary, and coming at about the same time with an executive order depriving Subordinate Judges and Munsifs of the control of expenditure for petty contingencies, it has had an irritating and depressing effect. Formerly Munsifs could spend Rs. 12 and Sub-Judges Rs. 15 a month on contingencies, and the consciousness that the money was at their control, and that savings could be utilized for improvements, such as a chair or a clock, was an incentive to economy, but now all the money is in the hands of the District Judge.

But of all the ills that Munsif's flesh is heir to, none is equal to that of overwork. It is disheartening to an officer to find that he cannot, by any amount of labour, keep his files clear. Do what he will, the work falls into arrears, and every month he has to write lengthy explanations of what needs no explanation, except that of want of time. The High Court is fully aware of the reality of this grievance and has struggled manfully to redress it. In their report for 1886 they point out the great increase of work which has taken place of late years, and say, "The additional work thus thrown upon the Munsif's Court is very considerable. It presses most upon the ministerial establishments, which have not yet been strengthened. It is very creditable that this work has been done at all, though, under existing circumstances, there are good grounds for apprehending that it has occasionally not been done with the care that it should demand."



In another part of the report<sup>†</sup> they give a table of cases pending at the end of each year in the Court of the Subordinate Judges and Munsifs for the eleven years from 1876 to 1886. This shows that the arrears have steadily increased year after year, and that whereas at the end of 1876 there were only 1,377 cases pending before the Sub-Judges, and 35,895 before the Munsifs, there were at the end of 1886, 2,320 cases pending before the Sub-Judges, and 69,637 before the Munsifs! The High Court may well say at the end of such a table—"The figures indicate an accumulation of business, and a serious impediment to the regularly sustained action of the Court." It should be borne in mind, too, that arrears have only been kept from rising even higher, by an amount of labour and a haste in decision which are incompatible with the proper administration of justice. The heaviest part of the work falls on Munsifs at outlying stations. There they have nothing else to do but work, for no relaxation or amusement is to be had and they are often separated from their families. They cannot get relief by having cases transferred to another Court, as can be done at headquarters. Officials and non-officials who pass their career in hill-stations and cities have no idea how judges and magistrates work in the Mofussil. How, for the most part, they are, and are compelled to be slaves to their work, and do or think of little else. When a man who has spent most of his time in remote and unpopular districts comes to Calcutta, he undergoes a disenchantment similar to that experienced by Luther when he went to Rome. He had thought to find religion in its palmy state in Italy, and he found nothing but indifference. So, too, the Mofussil officer, when transferred from such a Robinson Crusoe's island as Dakhin Shahbazpur, or from the wilds of Dinagapore to Calcutta, comes brimful of enthusiasm about his work, and disposed to talk of nothing else. He looks forward with delight to the prospect of discussing knotty points with kindred spirits, but he soon finds out that nobody cares to listen to him, or to advise him. "Shop" is voted slow unless it turns upon the question of promotion and allowances. Luxury and lawn-tennis put long office-hours to flight, and the ingenuous woodlander is made aware that the days of plain living and high thinking are no more!

The High Court remark, that the subject of the improvement of Munsif's Court-houses is gradually receiving attention, implies that something has been done within the last two or three years, and I am aware that two stately piles of Law-courts have recently been erected at Faridpur and Maimansingh,\*

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\* [A palatial pile at Pubna also was completed last year.—ED.]

But the very latest report of the High Court shows that the evil of over-pressure of work has not been mitigated.

In the Report for 1886 we find the following :—

“Experience has satisfied the High Court that Sub-Judges are overburdened with work, and that like Munsifs they are compelled to undertake more than they can possibly perform with due regard to efficiency. . . . At the end of 1886 there were under trial (before the Sub-judges) 2 320 original suits and 10 120 appeals. . . . An examination of the returns show, that at the end of 1886, 300 appeals had been pending for more than twelve months, and 2,450 for periods between nine and twelve months. Of these cases, 190 appeals of the longer period were in title suits and 87 in rent-suits, while 1,450 appeals in title suits and 1,000 in rent suits had been before the Courts for the lesser term. This cannot be regarded as a satisfactory condition of the Lower Appellate Courts.”

I think that there can be no difference of opinion about the truth of the last remark, and when we find that 87 appeals in suits for rent had been pending for a year, and 1,000 for periods varying from six months to twelve months, we can see that landlords are not altogether without justification in complaining of the Civil Courts. It is not improbable that the plaintiffs in many of these 1,087 cases had to pay their land revenue and cesses out of borrowed money! It appears that the delay in disposing of appeals has struck the Bengal Government, for in the General Summary prefixed to the Administration Report for 1886-87, we find the following remarks : “In the Courts of the interior only 21,384 (appeals) were decided out of 45 257 pending before them. The arrears were most marked in District Judges’ Courts, in which, out of 26,295 (appeals), only 7,502, or a little more than a quarter, were decided.” This last observation shows that the compiler of the summary was altogether innocent of any acquaintance with the practice of the Civil Courts. All appeals, with one or two insignificant exceptions, are filed before the District Judge, and so appear, in the first instance, in his returns. He afterwards distributes most of them to the Additional and Subordinate Judges, but as it is of no use to send these Courts cases until they have leisure to hear them, he commonly retains on his file a number of unallotted appeals. This fact, and also the circumstance that appeals are not usually transferred until notices have been issued and served on the respondents, increase the number of appeals nominally pending before the District Judge, and produce the large remanets noticed in the summary. But the figures do not, in reality, mean that District Judges are slower than Sub-Judges in the disposal of appeals.

After making the observations quoted above, the High Court proceeds as follows to urge upon Government that more money should be spent on the administration of Civil Justice :—

“The High Court has less hesitation in pressing this on the Government,

as the gradual increase of litigation, for many years past, has placed at the disposal of Government a considerable increase of revenue, and it is notorious that the establishment of every additional Munsif's Court is an additional source of revenue, while every Sub-Judge's Court is self-supporting. The net receipts from the Civil Courts have been already set out. Whatever may be the opinion entertained regarding the charges which can be properly set off against these receipts, many of which have been only recently claimed and do not meet with the acceptance of the High Court, it is sufficient to point to the gradual growth of the receipts, which much exceed the most sanguine expectations of those who are responsible for the imposition of the present scale of fees. Therefore, whether regarded as an actual surplus, or as a considerable accession to the public revenue, a claim may be fairly made to the allotment of such portion of these funds as is absolutely necessary to enable the Court to deal with the additional business.

In respect to the ministerial establishment attached to the Subordinate Courts, there has long been an absolute necessity for a revision of salaries and an increase of officers. The matter has been frequently pressed on the Local Government, but without any satisfactory result. . . . The business falling on the ministerial establishment is responsible and often important, and in consequence of the inability of the regular ministerial establishment to perform it, a portion of it has to be put into the hands of unpaid officers who, under the circumstances, work under little or no supervision and under no responsibility. The infinite mischief resulting from such a system needs no description."

An inspection of a Civil Court will convince one of the truth of the above remarks. The work of the Court is only got through by employing unpaid apprentices and persons nominally borne on the roll of process-servers. The apprentice system was introduced many years ago as a sort of legalisation of corruption, and as an indispensable help to the Courts. But it has turned out a failure, except as enabling Government to get a great deal of work done without payment. Capable men will not work without wages in Bengal any more than they will do so elsewhere, and whenever an apprentice has any brains, he goes off to other employment. The incompetent remain, and are such a sorry lot, that when an appointment falls vacant in the office, it cannot be given to one of them. They, therefore, remain hangers-on in the office until they have given Government five years of their lives without reward. After this they are sent adrift, or at last are liable to have their services dispensed with *pour encourager les autres*.

It is sometimes thought and said by executive officers that the pressure of work on the Civil Court clerks is due to the inordinate number of explanations and figured statements which they are required to prepare. But this is a mistake. The returns prescribed by the High Court are neither elaborate or grievous, and might be increased with advantage. For instance, it would be useful if the Courts had to give returns of the number of witnesses detained for more than one day, such as are furnished by the Criminal Courts. This would do

more perhaps than anything else to convince the higher authorities that the Courts have too much to do. Generally speaking, it may be said that the returns prescribed by the High Court are no more than a judge would prepare for his own satisfaction, if they were not already enjoined. The only respect, in which returns might be curtailed, is the lengthy explanations required from the Courts when cases have been pending for a certain number of months. The writing of such explanations involves the giving a history of the progress of each case, and it is an aggravation of the grievance of having too much to do, to have to explain at length why you could not do it all. However, truth compels us to admit, that in the matter of figured statements and calls for explanation, the little finger of a Commissioner's Personal Assistant is thicker than the loins of the Hon'ble High Court Judges.\*

Turning from the grievances of the Munsifs, I have a few words to say about their qualifications. I fear that it must be admitted that they are not the flower of the Native Bar. There are men of distinguished ability in their ranks, and nearly all of them are hard-working and intelligent, but the average of efficiency is not so high as it might be. One reason of this is, that Munsifs are chosen when they are young and inexperienced. They must, I believe, be under thirty, when appointed, and as a rule they are chosen much earlier. The judicial faculty is one of slow growth, and probably no one should be appointed a Judge until he is thirty. As the Native proverb has it, those things should be old, *hákim, hakím, hamám*. There is a rule that no one shall be appointed a Munsif until he has been three years at the bar, but this apparently does not apply to acting appointments, and so a man may be made a Munsif who has spent most of the three years in filling temporary posts, and who has scarcely ever held a brief. Pleaders of good practice will not accept Munsifships, and a man who has prospects of success is shy of accepting the appointment, for he knows that he will not be confirmed at once. He will have to act for 3 or 4 months at a time in disagreeable and out-of-the-way places for a year or two, and this implies the ruin of his practice. He cannot gather clients or become known to the public when suitors are aware that at any moment he may be called away to act as a Munsif. The training which he gets as an acting Munsif, is perhaps inferior to what he could have got at the bar. As Sir Louis Jackson remarked—"Our Munsifs are commonly appoint-

\*We can fully endorse this. We under-state the fact in calling the P. A. a whale for explanations, and a veritable bloodhound for discrepant figures.—ED.]

and fresh from college, and are consequently as new to the affairs of life as they are to office. Thus prepared for the Bench (now-a-days I believe with a good deal of undigested law in their heads) they are often planted in a small Mofussil village with no greater potentate at hand than the Police Inspector; no public opinion; no superior within visiting distance; surrounded by obsequious amlah and ignorant pleaders. These are not conditions favourable to the strenuous exertions of a man's powers of mind." The isolation which Sir Louis Jackson here speaks of is peculiarly the lot of the acting man or novice, that is, of the man who is most in need of guidance. Naturally the new man gets the worst and least popular stations, that is, those where there is no subdivision, few pleaders, and no law-library. On a similar principle an unintelligent or idle officer is punished by being transferred to a remote district, regardless of the fact that it is the remote districts which most require able Judges and Magistrates. For it is in remote districts that officers have most power, and their idiosyncrasies are most dangerous. It would be a good plan if pleaders were occasionally appointed permanently, without having to remain for an indefinite period in the position of acting Munsifs. In some cases they might even be appointed at once to Sub-Judgeships without having to go through the grade of Munsif. There seems no reason why this should not be done, when pleaders are occasionally appointed directly to the High Court. A man who is appointed to act, almost invariably ends by becoming confirmed, and I doubt if any acting Munsif has ever failed to be made *pucca* on the ground of unfitness. It would therefore appear, that there is little or no risk in making the appointments permanent from the first. Men are appointed on probation in the Subordinate Executive Services because they have afterwards to undergo examinations, and if they do not pass them, they may be, and sometimes are, rejected. But there are no departmental examinations for Munsifs.

Acting Munsifships not being sought after by successful pleaders, they are not unfrequently bestowed on the failures at the bar. Men who cannot speak, men whose claims are that they are the sons of seristadars or head clerks, and pleaders who, to adapt a Johnsonian phrase, have been generated by the corruption of pedagegues, are not unfrequently chosen, and naturally such selections occasionally turn out ill. The result is that some men enter the judicial service and never rise above the grade of Munsif. No praise can be too high for the selections made by the High Court for the office of Sub-Judge.\*

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\* [All important offices should be filled by selection and not by seniority. Regimental commands are given for fitness, and the Executive Government would do well to imitate the High Court in stopping the promotion of

They are always made according to merit, and consequently the Sub-Judges are a distinguished body of men, and perhaps do not include even one inefficient member among their number. At least no Sub-Judge is inefficient when first appointed, though I have heard a native judicial officer say that successful Munsifs and Sub-Judges have to work so hard, that in a few years after their promotion they become effete. The pace is too great to last. However this may be, it is certain that there is a marked superiority in the decisions of the Sub-judges when compared with those of the Munsifs, and it is impossible to account for the whole of this difference by saying, that they are older officers and have a stronger Bar. The superiority is partly due to intellectual pre-eminence, and this again is the result of careful selection by the High Court. It is difficult to say anything against a method which is so successful, but still it is unfortunate that men have to be passed over. It is not only that supersession is painful to the individual ; it makes him a less industrious officer, and so is bad for the public service. A Munsif who never rises above Rs. 400 a month and sees his juniors become Sub-Judges and try appeals from his decisions, loses heart, and does his work worse than before. It seems to me that it would be better for such a man and for the public service if he were compulsorily retired on a fair pension. If Government appoints a man to be a Munsif, and then finds that it cannot promote him to a Sub-Judgeship, the result shows that the original selection was a bad one. The best thing to do under such circumstances is to acknowledge the mistake and to facilitate retirement.

It would greatly improve the prospects, and consequently the spirits of the subordinate judiciary, if members of their body were occasionally promoted to the High Court. Unfortunately this has not yet been done, except only as a temporary measure. It seems time now that Sub-Judges, to whose ability the Earl of Selborne has borne such emphatic testimony, should get seats in the High Court. This seems to be the opinion of Sir James Stephen. Educated natives sometimes think that Sir James Stephen is their enemy, but native lawyers at least should be grateful to him for his Evidence Act, and for the following remarks on themselves which he wrote so long ago as 1870 :—

“ I think that all district and Sessions judgeships, as well as the High

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officers who are unfit for the charge of districts. Such officers should be compulsorily retired on reasonable proportionate pensions. Government is a far greater loser by keeping and promoting them. The loss from giving a pension is definite: the loss and injury to the administration, caused by an inefficient officer in a post of importance, is indefinite and incapable of estimation.—ED.]

Court judgements, should be thrown open, and that the abler natives should be appointed to them largely, especially in the quieter parts of the country. I believe that, in this way, it would be possible, in the course of a few years, to have a thoroughly good judicial service, and a regularly organised legal profession, and in particular to make the service a bond of union between the natives and ourselves. The native appointments to the High Court of Calcutta have answered admirably, and I hear on every side excellent accounts of the younger Munsifs and Subordinate Judges who have been educated in our Universities."

I may quote also the following passage from the same minute on the subject of expenditure on the administration of justice :—

"On the question of economy I need only observe, that in connection with such a matter as the administration of justice, economy consists principally in getting full value for the money laid out. No one can doubt that it is well worth the while of every country to have as good an administration of justice as money can buy."

I hope to treat, in a subsequent article, on the Code of Civil Procedure and the practice of our Courts.

H. BEVERIDGE.

## ART. X—CIVIL JUSTICE IN THE SANTAL PERGUNNAHS.

THE remarks which follow have no pretence to authority, further than that they embody the experience of one who has had to pay close practical attention to the subject for over two years.

Without going into a long account of the previous history of the Santal Pergunnahs, I may in a few words explain the title. Before the Permanent Settlement, an area of about 1,360 square miles was resumed from the zemindaries of the neighbourhood, because it was covered with jungle, and inhabited by a race of Paharias who were given to raiding, and whom the zemindars could not keep in order. The Paharias were ultimately brought into good order, and the only circumstance about them that need be noted here, is that one of the means taken to manage them was their withdrawal from the control of the ordinary Courts, and their being given Courts of Justice of their own. The region in which they lived was known as the Rajmehal hills, and is now known familiarly as the Damin-i-koh, from the "skirts of the hills" which form a containing belt around them. Efforts were made to get the Paharias down on the plains to cultivate the land, and up to 1837 the whole area was kept for them. From that year the policy of Government changed. For some time there had been coming into the zemindary tracts around, large bodies of Santals from beyond the Barakar River. From 1837 onward men of this industrious race were encouraged to settle in the Damin-i-koh; and did settle in great numbers. They were, unlike the Paharias, left under the control of the Police and the ordinary Civil Courts. They found their position unbearable, and rose. The rising was only put down with much bloodshed and, because the Regulations and Acts then in force in Bengal were not "adapted to the uncivilised race of people called Santals," the Santal Pergunnahs—a region composed of the Damin-i-koh and its neighbourhood—were in 1855 placed under a special law.\* It is to be observed that the reason for the change was not so much a difference between Santals and other people as the absolute failure of the existing laws to meet the case of the Santals. It might be that a change of law would benefit men of other races as well, but it became urgently necessary

- on account of the Santals.

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\* Act XXXVII of 1855. This was passed "because the Regulations and Acts now in force are not adapted to the uncivilized race of people called Santal."



We must confine ourselves to that part of the law which relates to civil justice, and examine its various points. I shall take for granted that the great principles of justice are everywhere the same, and that the object with which all Courts are set up is to give swift, sure and cheap justice to the people. We have to concentrate our attention on the means of applying those principles and attaining those objects. There is not a word in the special law after the preamble about races or new rights.

The first point to be noticed in the law is that it is a special law for the poor. Cases valued at over Rs. 1,000 were left to be dealt with as before. The feature in which the old laws had so signally broken down was in dealing with poor men. Suitors being poor, and Government also, it was desired to make justice as cheap as possible for both, but especially for the suitors, if the system was to be a success. The chief work of the Courts then, as now, was to adjust accounts between money-lenders and their debtors, most of whom were Santals. The money-lender was invariably plaintiff. The Santal had no ready money, and when his banker was putting him into Court, he had no chance of getting funds. No working plan, therefore, which involved an outlay was likely to succeed.

It was likewise true economy to raise to the highest pitch the quality of justice dealt out by the Courts, as that would promote settlements of disputes outside. If people know what to expect, one side or the other will be unwilling to face the risk, and litigation will decline. We have in our laws and rules of procedure and evidence certain most necessary provisions which are apt to blind our eyes to the truth. Courts are set up to decide suits, and when the suit has been finally decided by the machinery set up, all courts are required to abide by the decision. If the courts are to be of any use at all, some such provision is needed. The danger, however, is this. A decision which stands must be respected, and may not be examined to see whether it is good or bad; whether it was come to hastily or carefully; whether the evidence was complete or not. The one thing about it that we can consider is that there it is. Now, the profound respect which is paid by all the courts to what is after all but an accomplished fact, and very often, as is well-known, accomplished by means of perjury and chicanery, causes our courts to depend on one another. If a man can hoodwink any, even the weakest of them, he can hoodwink all; \* because all courts have

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\* [This is very true. A chain is no stronger than its weakest link. A High Court, as a whole, is no stronger than its weakest Divisional Bench or its worst Judge. Owing to the importance attached to the maxim *stare decisis*, a single unsound ruling of a bad Judge may hamper half-a-dozen good Judges—ED.]

agreed and have been ordered to see with one another's eyes. There are only two practical remedies for this. One is an elaborate system of appeals which, in many respects, is a most pernicious remedy, and a confession of the weakness of the judicial staff. I shall say something on this head later on. The other remedy is to have none but good courts which will turn out none but good work. Far better do nothing than bind the courts and the public by means of bad or careless decisions. Therefore, whether we can afford few or many tribunals, let every tribunal be a good one, and let no decision go forth that is not well-considered and careful. A decision, once passed and established, binds all courts for all time to come. It was therefore provided that Santal courts should be of good quality.

The next important point is the qualities that were selected as essential for a good judge. A Lord Chancellor once said, "When I have to choose a judge, I look for a gentleman, and if he knows a little law, so much the better." This was the standard chosen. Pluck and honesty were the vital qualities looked for in the men to be chosen, and they were required also to be men who could get on with the Santals. For these reasons Europeans were chosen. They were trusted more deeply by both the Government and the natives than natives of the country. The number of tribunals was fixed at 10, stationed at five centres. This number was greater than had existed before, and the courts were placed nearer their work: yet only about one-twelfth of the people lived within five miles of any court.

Next we come to the important question of separation, between the civil tribunals and all other tribunals and offices. It was decided to consolidate all offices and powers in the same persons. The same officers were to do all kinds of work. It is fashionable to condemn this way of working, and to work towards a separation. I need not here argue the question at length, but I will shortly give reasons why consolidation answers as well as anything we are likely to get in its place, and certainly better than separation.

The first reason is that *the judge in this country needs very little law and a very great deal of local knowledge*. In the lawsuits of the poor, law points seldom arise. If a point of law is decided wrongly, the mistake can be corrected; but mistakes in decisions on facts are not so easy to correct. Questions of fact in England are often left to the jury; but the judge in this country is, with rare exceptions, jury as well. Many courts in England have little learning, but all without exception have great local knowledge. Now, what experience can a judge gather, especially when his jurisdiction extends to places sometimes forty miles away, if he sits in court all the year round listening to pleaders or witnesses? He will be

like a parson who does nothing but write and preach sermons. If he is to gain local knowledge, he must go about and see the people in all circumstances and from all points of view. Then, not only must the judge have local knowledge, but he must be locally known. If the people are to have confidence in him, he must be seen by them, and understood by them. They can never get to know him if he is always sitting in one spot, remote from most of his people, entrenched behind a heap of records and a crowd of litigants.

Another good reason is economy to Government. The law courts are but one branch of the work of Government ; it has other branches of great importance. The expensive qualities which are essential to the conduct of all branches are honesty and capacity. The more the work of Government is broken up into departments, the more costly will it be, inasmuch as not to mention friction between departments and cross-correspondence, costly supervision must be increased. Further, the officer in whose hands all power lies comes nearer the native ideal of what a ruler should be. We hear of impartiality, but honesty makes that, not ignorance or isolation ; and, as for legal learning, except for a few heavy cases, that is little wanted.

Now as to the manner in which the officers in the Santal Pergunnahs were to do their work. There are two ways of doing business. One is to fix a man down by rules and laws so tightly that he cannot go wrong. The other is the English way, pleasanter, cheaper, and better, of picking out the right man and letting him alone. This was the plan adopted. But this, it may be said, gives too great a chance to rogues. Even to such an objection there is an answer : we can get rid of the rogues, and have none but honest men.\* Indeed, we must make a virtue of necessity, and trust these isolated men. We cannot control them by rules or in any other way any more than we can the captain of a ship.

The next step taken was meant to save the purse of litigants and purify the courts. This indeed was a very drastic measure. Police, peons, amla and lawyers were cleared away from between the *hakim* and the people. Against the police and peons the objection was that they must be backed while they could not be trusted. They notoriously abused the powers that had to be given them. The objection to amla was, that they constantly tried to influence the decisions of those they served, and even when they could not do so

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\* [ In Sir George Campbell's time, when a change of system or of the law in force was recommended by a certain Commissioner, the Lieutenant-Governor pithily replied, that if the system was a failure in any particular place, *the officer must be changed, and not the laws.*—ED.]

they black-mailed litigants by making people believe they did. The objection to lawyers was that good, honest and learned lawyers could not be got for such fees as the poor could afford to pay, and the ignorant rogues and cheats, into whose hands they were pretty sure to fall, were worse than nothing. Even if a good man were occasionally available, to admit him was forcing expenses on both sides. Lawyers to litigants are like improved rifles to armies. If one side uses them, so must the other. Lawyers add to the cost of cases to Government. A trial in which there are lawyers lasts longer than one in which there are none, and that means the time of the court, a costly article.

The work of the police and peons was done by other means ; amla dropped into the background, and lawyers were altogether eliminated. After all, the trial with lawyers and a judge is nothing but a more elaborate form of the process gone through by each man in his own mind, when he has to come to a decision. First he takes the *pros*, then the *cons*, and then a balance is struck. Bad lawyers waste much time merely for show without helping on the case, while dishonest ones tutor witnesses, bribe, and generally play tricks. There is not a word to say about the theory of a perfect tribunal—learning to determine the law, local experience and honesty to determine facts, and a good advocate on each side to see that all the arguments are properly urged. But we must have a feasible and working plan, and it must be adapted to our means ; and such a tribunal as above described is beyond our means.

In dealing with litigants, the courts were to advise them as to the law, and record their complaints. A man cannot be prevented from taking advice before he comes to court, but the courts were not to acknowledge any such proceeding. Written plaints meant advice taken—generally bad advice—and were discarded. By taking plaints *vis à voce*, cases were well scrutinized at the outset, and much trouble, money, and time were saved. This was important where a summons to court might mean a journey of 20 or 30 miles across country.

Processes were served through the headmen of villages, and the employment of peons was carefully avoided. Sir George Yule was extremely bitter against peons, and would do anything rather than employ them. They made money by bribes for doing their duty, for not doing it, for exceeding it, or for agreeing not to exceed it. Considering the expense and trouble of long journeys, care was taken that business should be done on the day fixed. If the plaintiff alone came, he had still to prove his case before getting a decree ; if he failed to come, his case was struck off. To prevent failure of justice, he got a re-hearing if he could prove within a

month that he had been unavoidably prevented from coming. Issues were generally so simple that everything could be done in one day—settlement of issues, hearing of evidence on both sides and judgment. The parties could then go home with their business done.

When a money-lender sued his debtor, he had to disclose his whole account. Money-lenders keep several accounts, a book account, one of rice, and one of bonds. They like to sue on one account, and keep the others in reserve, but this was not allowed. For arbitration, the following provision was made:—In case the Court should consider the case to be, by reason of complicated accounts, a proper one for arbitration, it directed arbitration. Arbitration was also granted if asked for by the parties. The form of arbitration was always the same, one arbitrator being appointed by each side, and the umpire by the Court. No form of procedure was laid down for the arbitrators, and their decision could not be set aside except on the ground of fraud. Arbitration has not come to be so generally used as was expected. As regards appeals, these were discouraged. The rules as they stand provide that there is no appeal as of right. An appeal has three disadvantages. It makes justice less cheap, less swift, and less sure. It has one advantage, that it enables errors to be corrected. But as a means of keeping out errors from decrees of courts, it has many drawbacks.

Errors are of two kinds, viz. errors of fact, and errors of law. It is generally admitted that the most competent person to decide on a question of fact is the judge before whom the evidence was given. An Appellate Court seeking to revise a decision as to facts based on evidence taken by another would be just as likely to commit an error as to correct one.\* Thus revision of findings of fact based on sufficient evidence would have all the drawbacks of an appeal and none of its advantages. As regards errors of law again, what is the ordinary litigant likely to know about them? He must act on advice, and that advice is nearly sure to be given by some petition writer or lawyer of a low class, who wishes to make money out of him. All the ends of justice would be answered if it were understood that the judge himself would refer, when there was any doubt, points of law for the orders of his superiors. Even suppose a few cases were decided wrongly, the evil would be much less than the general unsettling that follows free admission of appeals. Perhaps the worst effect which appeals have is the habit they induce in native magistrates in particular of reasoning on the evidence as to what the Court ought to believe. But the question is not one of logic at all; it is a question of

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\* [ It has been well remarked that the original court decides on direct evidence, but the appellate court on *hearsay* evidence.—ED ]

fact, and that fact is the impression which the evidence *does* make on the Court's mind, not what it *ought* to make.

We come now to execution, which is the life of the whole proceeding. Two principles have been followed as regards this part of the work. The first is that there should be a limit on the power to seize the debtor's property, so that he should not be left without means of living. Upon the same principle his person cannot be arrested. The second principle is that the decree-holder should not have more than a certain time and a certain number of attempts to execute allowed him.

The limitation as to property saves the debtor's dwelling house seed, food grain, plough cattle, and his necessary utensils. The limitation as to time requires immediate execution in suits valued below Rs. 50, and execution within a year in all other cases. The decree is dead after three fruitless attempts to seize ; and dies a natural death in three years from the date of decree. There is in these provisions a balancing of equities. One is that a debtor, while he has property, should satisfy his just debts ; the other is that no man should be made a slave to another man. It is desired to discourage the peasant from borrowing, and so the consequences are brought home to him sharply and promptly. It is desired also to discourage the money-lender from lending to poor men who cannot pay him, and therefore his motive for lending to such men is taken away. His motive is not to make a just profit out of his loan, but to get such a power over his debtor, that the debtor will give his labour and goods as a consideration for his not using the power. This is blackmailing. He would have the power if the debtor's plough cattle, seed grain, &c. were allowed to be seized. If it were necessary either to help the creditor to the full extent of the Court's power, and seize all that the debtor has, or to refuse to help the creditor at all, I would prefer the latter course. The money-lender has always a powerful means of recovering his small debts, viz., stoppage of credit. That is the means used by small shopkeepers in London, and is a thoroughly efficient one for its legitimate purpose. When we consider that both in large and in small affairs credit is the most valuable property a man has, and that if he fails to pay his debts, he can be 'posted' among the limited class who have money to lend, there is not much fear of a man failing to repay money judiciously lent. It was an exaggerated idea of the rights a man obtains over another by lending him money that brought on the great sale question. The courts began to attach and sell even ryots' holdings which they could not alienate to satisfy decrees on bonds or book debts. This was the signal for transfers on a very large scale from ryots to money-lenders of jote lands by 'voluntary

alienation.' The evil threatened to be an overwhelming one and caused much alarm. Government could not understand why these 'voluntary sales' went on, until it was discovered that they went on just as long as the Courts set the example. I have seldom seen so clear an example of the far-reaching effects which the action of the Courts has. The compulsory sales by the Courts were a mere fraction of the alienations that went on, yet in reality those alienations, supposed to be voluntary because made without resort to the Court, were rendered compulsory by the knowledge that, if the matter went to Court, they would be enforced.

I should not quit the subject without a few words on the usury clause (6) of the Settlement Regulation (III of 1872). This clause forbids compound interest, interest at over 25 per cent. per annum, and interest exceeding the principal. The clause was inserted for two purposes. It asserted definitely the equitable power of the Courts to refuse enforcement of extortionate bargains; and it tended to induce lenders to recover their loans within a reasonably short period, thus bringing debtors face to face with consequences. When nothing more in the way of interest can be got out of a loan, the creditor will naturally wish to realise.

The local Courts have, with the sanction of Government, parted from the High Court in the interpretation of this clause. I shall not attempt to argue the question here. The question is whether a bond, in which the consideration is old debts and interest, is an intermediate adjustment of account or a new transaction. The Santal Courts take the former view, and the High Court the latter. It is an unfortunate difference, and the question is one of sufficient importance for legislation, since all must regret the unedifying spectacle of Courts dealing out two kinds of justice, one of which must be wrong.

I have in this article written mostly in the past tense, because though in some matters our Courts have adhered to the old principles, in others there have been changes. It would not be fair to the system if it were described in the imperfect form it has taken in practice and not in the more perfect shape it was intended to assume. The chief defects of the present working may be summed up as follows:—(1). There are not officers enough; and those there are have not time enough to do the work as it ought to be done; and (2) swarms of small fry, such as petition writers, peons and others have begun to gather round the Courts, and have received too much encouragement. There is not room in such an article as this to discuss the wider subjects that such facts point to.

The objects of the Santal system may be summed up as follows:—No man was to be employed as a Government servant

who could not be trusted or looked after. Such officers as were employed were to be thoroughly trusted. No order or decree was to go forth as that of a Government officer, which was not good from the beginning. Orders issued were to stand. As the people of the country were poor, justice was to be made as cheap, swift, and sure as was consistent with its being of good quality. It was to be cheap, swift, and sure, not merely from the point of view of the Court, but from that of the parties. Finally the Courts were to be courts of 'equity and good conscience,' and were never to allow themselves to be made instruments of injustice and oppression. A lawsuit is most often only one of the moves in a long game, and it was the business of the Courts to prevent themselves from being made the means of forcing a settlement in matters not connected with the suit.

R. CARSTAIRS,  
*Deputy Commissioner,  
Santal Pergunnahs.*



## ART XI.—A HEALTH-RESORT FOR BENGALEES.

**D**ARJEELING boasts a magnificent sanitarium, the Eden sanitarium, for the use of Europeans. In the year 1886 the son of a native Christian pastor fell ill, and the sanitarium Committee were asked to receive and board him. They, however, stated that they were unable to do so, as the sanitarium was for Europeans only. This refusal caused some little stir among the native community, and brought to a head a proposal which had previously been mooted, for having a separate Convalescent Home for natives in Darjeeling. Mr. Lewis, the Commissioner of the Rajshahye Division, was asked to convene a public meeting with the view of forming a Committee to carry out the project and this was done. A good site was at once given by the Maharaja of Cooch Behar, and a handsome donation was received from Rajah Gobind Lall Roy of Rungpore.

Now arose questions as to what size the sanitarium should be, and what accommodation it should contain. It was first resolved to ascertain, as far as possible, whether Darjeeling would be a suitable climate for native invalids, and to what extent the sanitarium would be resorted to. The Commissioner accordingly wrote to several eminent native physicians, and asked their opinions. The well-known Dr. Mohendrolal Sircar and Dr. Surjya Coomar Sarbadhicari both stated their opinion that natives would find hill-stations as great a god-send as Europeans do. The latter wrote as follows: "I am very favourably disposed towards the establishment of a sanitarium or Convalescent Home for natives of this country in Darjeeling. To the best of my knowledge and information there exists no such prejudice in the minds of my countrymen against hill-stations as you speak of; and, so far as my personal experience goes, the climate of the hills proves exceedingly beneficial to those of my patients who resort to them. I myself have derived the greatest benefit from resorting to one of the stations, and I have no hesitation in saying that it is one of the best means of effecting a complete cure in the case of convalescent patients. I am therefore of opinion that such a Home, as your Committee contemplate establishing in Darjeeling, will be very useful to my countrymen; and I beg to assure you that I shall do my best to help the excellent cause you have taken in hand by advising my patients to resort to it whenever necessary." Having received similar satisfactory assurances from other native practitioners, the Committee thought they would be justified in at once starting the sanitarium in the limited accommodation at their disposal. The institution was opened for a month at the

end of 1887, and from April of the present year, with the result that the building has been quite full, and many applicants have had to be refused admission. There were 279 inmates in April and 514 in May. All classes have been accommodated, Hindus, both orthodox and unorthodox, Mahomedans, Christians, and Parsis. One of the patients was a young lady, the daughter of a doctor in Bhagulpore. The want of proper space has, however, been severely felt, and it is wished to build separate buildings for different classes of patients, with suitable accommodation and arrangements for every grade and class. For this, of course, a large sum of money is necessary.

It is natural that, before subscribing their money to such an object, many native gentlemen should wish to be convinced that the institution is one which can, without objection, be patronised and resorted to by orthodox Hindus. This is the more necessary, as a rumour had obtained some currency that the Home was in fact nothing but a hotel for so-called advanced Hindus, and that it was not a suitable place for orthodox Hindus to live in. In this connection it may be mentioned that, owing to the intense heat in the plains in the month of June, Pundit Mohesh Chunder Nyayaratna, C.I.E., was desirous of getting a change to the hills. He had heard of the sanitarium at Darjeeling, but being an orthodox Hindu, was reluctant to go there. He was, however, persuaded by the Secretary to give the place a trial. He went there, stayed some time, was perfectly satisfied with the arrangements, and certified that the Home was a place which any orthodox Hindoo might go to. Objections, then, on the score of caste requirements cannot be maintained; and that such objections no longer exist seems manifest from the fact, that the Committee has been asked whether they can arrange for the reception of native ladies who may wish to obtain a change to a hill climate. The answer to this lies in the hands of the public. The question is purely one of sufficiency of funds. Separate quarters for native ladies will, no doubt, be expensive to provide; but if the necessary funds be forthcoming, the Committee are ready and willing to provide them. All depends on the amount of support which the project receives, the Committee being only too anxious to provide for every class and grade of patient.

The matter is one which should come home to the hearts of all classes of natives. The present expense of living in the Home is one rupee per day; but if sufficient funds remain in hand after defraying the cost of the necessary buildings, it is proposed to invest them, and to admit poorer natives at half rates, and exceptionally deserving cases for nothing at all. Surely this should awake a responsive chord in the hearts of

poor schoolmasters, pleaders, clerks in Government or mercantile offices, and others. Here we have an appeal to the ignoble but perhaps the most powerful of all motives—self-interest. Good and wholesome food, lodging, medicine and medical attendance, for eight annas a day, or (if you are a poor struggling clerk) perhaps for nothing at all ! The hard-worked professional classes in Bengal cannot afford to despise an institution of this kind. It is not only for invalids or convalescents that the institution will be useful ; hard-worked men will be able to recruit and prevent themselves from breaking down altogether under the increasing strain of modern competition. In these days of severe and sustained work, it is well known what ravages certain forms of nervous disorders are making amongst educated natives. Diabetic disease may be said almost to decimate the hard-worked Subordinate Judicial Service, while it has its victims amongst all classes of natives who have much mental work. One of the best cures is exercise, to which the climate of the plains is not conducive. A timely trip to Darjeeling may actually put rupees into the pocket of many a professional man, by giving him a renewed lease of health and vigour, when he might otherwise succumb to the strain of continuous work. The scheme, then, for establishing a Convalescent Home at Darjeeling, whereby much suffering may be alleviated, is surely a project that appeals to the sympathies of every one, but more especially of the well-to-do middle classes. A rich man may hire his own house at Darjeeling, but to the great mass of sufferers, though so close, a change is impossible. For this reason it is felt that all classes should join in contributing. The middle and poorer classes can regard their contributions not merely as an act of charity, but as a profitable investment ; since each man who thus subscribes does something towards making a provision for an evil day, by endeavouring to ensure the permanent establishment of a sanitarium, where none exists at present. What man is there, who may not at no distant date be recommended, as perhaps an only remedy, to try Darjeeling ? By its very situation, Darjeeling is beyond the reach of that foul and pestilential malaria, which has almost depopulated many old and famous places in Lower Bengal, and annually carries away as its victims many persons of intelligence, education, and culture. Sea-side places are out of the question, the shores of the Bay of Bengal being mostly low sandy beaches covered with dense noxious jungle, and enveloped with malarial miasmas. Former sanatoria, such as Burdwan and Monghyr, are now malaria-stricken ; Parasnath is out of the question : Hazaribagh is inaccessible, even if it were altogether free from malaria ; and a trip on the Ganges, though the best, is but a poor substitute

for Darjeeling. Every year large numbers of the bread-winners of the community perish for want of a place and means of convalescence, and it has been stated by the Sanitary Commissioner for the Province that, where there is no organic visceral disease, Bengalis, in common with Europeans, derive great benefit, and improve in bodily vigour from a visit to Darjeeling. The native Civil Surgeon of Rungpore states that "the climate of Darjeeling is good for those who are suffering from chronic malarious fever, liver disease, or nervous affections induced by over-work, worry, insanitary living, poor or bad food, or residence in unhealthy districts . . . . Social, industrial, and material changes have lately introduced in Bengal much activity, and induced undue physical and mental work, to which the Bengali was an utter stranger three generations ago. There have been, in consequence, new elements in operation to produce deteriorated health; and an enfeebled body and mind has become a striking feature of the middle-class Bengali. For this class of men a residence in Darjeeling signifies restoration to health and life." The Convalescent Home for natives is, therefore, a matter of real necessity.

There is another aspect of the question:—The project is not only one that should elicit the virtues of charity and sympathy for others, and bring into play the more ignoble motive of self-interest, but it is one that appeals to the national spirit of the Bengali nation, and really concerns their national honour. Europeans have their sanatoria in the hills, and why should the natives be without one? The nation may be poor as a whole, but what it lacks in riches, it amply makes up for in numbers. Thousands of white ants are able to construct large and massive mounds of earth, and all that is required is the united effort of numbers. In this matter it is intended to depart from the time-honoured but not altogether blameless application of the lancet or the leech to the money-bags of wealthy Zemindars and Rajahs. The land-owning Croesus, the professional Plutus, the merchant Midas may, and should give something towards an object which will benefit his fellow-countrymen. But nothing is further from the wish of the Committee or its president than that any official pressure should be brought to bear on wealthy natives. There are many hospitals, schools, dispensaries, and other public works or institutions founded by the munificence of single individuals, but it is desired that the "Lowis Jubilee Sanitarium" shall be founded and maintained by the combined efforts of the people. It will be a reproach to the people if they lack the humanity and power of combination to found a single charitable institution; and, therefore we say that the project distinctly appeals to the national spirit of the middle classes, who should endeavour to

make the institution a fitting memorial of national energy, self-help, and self-sacrifice.

A word in conclusion : Europeans living in India have derived, and are deriving, benefit from many institutions that have been founded wholly or partly with native money. The Eden Sanitarium was founded to a great extent with native funds, and there are many Europeans, who themselves, or whose friends or relatives, have owed life or the restoration of health to this institution. For this reason we think it would be a graceful act, which would be keenly appreciated by the native community, if Europeans were to subscribe small sums towards the Native Sanitarium. Though the native press has not noticed such facts, still many of us are aware that the manner in which European merchants in Calcutta and other Europeans have, on several occasions, come forward unasked to relieve native suffering and distress (for instance, after the wreck of the " Sir John Lawrence ") has made a remarkable impression on the minds of leading native gentlemen, who have a substantial stake in the country, and are not in the habit of decrying and disparaging everything European. Most of us can afford to give our five or ten rupees, and it is with many sums as small as, or even smaller than this, that it is hoped to found the sanitarium and place it on a lasting basis. Europeans and Bengalees must continue to come into contact and work together for many years, as the one race cannot do without the other, and any act which will tend to create good feeling between the two, must be of benefit to the country. Certainly, any action that Government could take with such an object would be of infinitesimal result as compared with the spontaneous sympathy and charity of Europeans (official or non-official) in helping to found an institution, which is solely for the benefit of natives, and from which they themselves cannot hope to derive any material advantage.

H. A. D. PHILLIPS.

# THE QUARTER.

## THE WEST.

### *Foreign Politics and Events.*

THE general opinion of the continent appears to be that the meeting of the German and Russian Emperors has rendered probable a close *rapprochement* between Germany and Russia. This was regarded by Austria with some uneasiness, which, however, may have been partially removed by the subsequent interviews between Signor Crispi and Count Kalnoky at Milan, and between each of them and Bismarck at Friedrichsruhe. At one of these interviews the cases were defined in which Italy, Germany or Austria would consider herself attacked, and could claim the help of the other. As to France, she is somewhat out in the cold. She knows well the attitude of the German Emperor, namely, that "eighteen army corps and 42 millions of Germans are prepared to die sooner than surrender a single stone of the territories conquered by German arms." Has this attitude anything to do with the Bill introduced in the Chamber of Deputies to grant a credit of 67,000,000 francs (£2,680,000) for the improvement of the defences of Brest, Cherbourg, and Toulon? Still, we have Lord Salisbury's assurance at the Mansion House that the prospects of the maintenance of peace in Europe are greater now than they have been for many years past. Diplomacy, thy name is Salisbury!

Boulanger is still to the fore. He says he courts no Cæsarcan adventures. *Credat Judeus Apella* (or the Equestrian Marines), *non ego*. He has not been idle during the quarter, for he has resigned his seat in the Chamber of Deputies; has called M. Floquet an impudent liar; has fought a duel with him, and been wounded in the throat; has had five shots fired at him by an Opportunist; has experienced a check in the Ardèche in his climb towards the "fiery citadels;" and finally has emulated the Vanishing Lady trick by going off, it was said, to Russia; but he has since turned up in Norway. France truly is in great straits, when she has to choose between an *avocat politique* and an intriguing military mountebank. Dalliance with the dangerous tool *La Revanche* has become more dangerous since the Russian alliance has begun to look like a dream.

As to Egypt, Mukhtar Pasha thinks—blatant and child-like thought—that as only a frontier tribe or two in Upper Egypt is in arms, "there is no necessity for the English to remain." The

English say they will remain till Egypt is able to protect herself, or, in other words, till the Attic *Saukranti*. As Egypt is said by Lord Salisbury to be now a solvent Power, let us hope that the English nation may suck a little profit out of the occupation. At Massowah the Italian troops have not had the success they deserve. An attack was made by Dervishes on Wady Halfa, in which 220 Italian troops were killed. The Italian officers do not seem to have the English faculty of teaching Native Sepoys how to fight. The French Government protests against the Italians exacting taxes from foreign residents of that place, and to this Italy has replied by sending a circular to all the Powers declaring that Massowah is an Italian possession, and that Italy has a right to tax European residents. The circular has been favourably received by all Powers except France and Turkey. The White Pasha is advancing towards Khartoum, and the Mahdi's power is said to be on the wane.

Among the events and occurrences worthy of record are the bad weather over Southern Europe, the crops of a large area in Spain having been totally ruined; the birth of a son on the 27th July to the Emperor of Germany; the terrible fire in the entrance shaft of a mine in Kimberley, in which 254 persons were burned to death; disastrous floods in Mexico; the rising among the Indians of Hazelton in British Columbia, in which the insurgents killed several whites; the war in Zululand; the discovery of a dynamite plot to destroy public buildings, and to murder the Judges who sentenced the Anarchists in Chicago; the volcanic eruption in Japan, in which 400 persons were killed and 1,000 injured; the destruction by incendiary fires of one-fifth of the town of Port-au-Prince, the capital of the Republic of Hayti; the great fire at Hamburg, in which it is said that five millions worth of property was destroyed; bread riots in parts of France owing to an inadequate harvest; the strike of the navvies in Paris; the Pan-Anglican Conference of Bishops at Saint Paul's Cathedral; the conclusion of the contract for the conveyance of mails between Canada and Hongkong; the resignation of Count Von Moltke, who has been succeeded by Count de Waldersee; the passing of an Act for the reform of the tariff in the American House of Representatives; the negotiations for the extension of the British Protectorate in North Borneo to Sarawak and Brunei; the betrothal of the Princess Sophie, sister of the Emperor William, to the Crown Prince of Greece; the mutiny of the Portuguese troops stationed at Lorenzo Marques; the Imperial ukase issued in Russia extending the period of service in the Russian army from 15 to 18 years; and the refusal by China to ratify the treaty with the United States Government for the exclusion of Chinese emigrants from America. President Cleveland has indulged in some bluster about reprisals in conse-

quence of the rejection of the Fisheries Treaty ; but England and Canada, being united, can afford to regard the situation with equanimity.

### *Home Politics and Events.*

The absorbing event of the quarter has been the appointment of a Commission of Judges to inquire into the charges made by the *Times* in "Parnellism and Crime." Mr. Parnell said he would never be happy until he got an inquiry. He's got it now, and yet—*mirabile dictu* !—he is not happy. The Act empowers the Commission to compel witnesses on oath to disclose all facts. The Parnellites don't like this, and the last "gup" from the clubs is that several persons who are likely to be "wanted" may bolt. Those who affect to be shocked at the idea of a man approving of a particular murder, when he belongs to a party which has been shown to work by murder, are guilty of nauseating hypocrisy. As for the demand for a Committee of the House of Commons, those who made it knew very well that it could neither hang Mr. Parnell nor send him to Wormwood Scrubs. Had the Magistracy in England initiative powers as in India, Mr. Parnell would have been in the criminal dock long ago. The English public are just beginning to awaken to the fact that they have not really got such a thing as a public prosecutor, criminal proceedings being left to the vengeance of individuals or the vigilance of the Police. In Ireland and Scotland, as on the continent, criminal prosecutions are jealously retained in the hands of the State. The Commission is to consist of Sir James Hannen, Sir Montagu Smith, and Sir John Day. Mr. Chamberlain objects to the last-named, because he "holds 17th century views, and nightly rails against the National League." Mr. Parnell is not grateful to Mr. Chamberlain, and charges him with all manner of breach of confidence when he was a Member of Mr. Gladstone's government. Mr. Chamberlain retaliates by saying that Mr. Parnell corrected a copy of the Crimes Act of 1882 with his own hand into the form in which he thought it should be passed *with just enough show of opposition in the House of Commons to satisfy those concerned* ! It is a very pretty quarrel as it stands : altogether the hunt is becoming a little too keen for the Parnellites, and they are busily engaged in drawing red herrings across the scent. Mr. Parnell has filed a suit against the *Times* in the Scotch Law Courts, claiming £50,000 damages, while Mr. O'Connor and M. Redmond have filed suits in the Queen's Bench. *Punch* very happily hits off the situation in the cartoon of "Dr. McJekyll and Mr. O'Hyde"—perhaps the most powerful cartoon that has ever appeared.

Mr. Gladstone still prefers silver speech, though he has cele



brated his golden wedding. He says that criticism has rather benefited him than otherwise, and yet he continues to substitute personal judgment and private interest for the law of the land, and has stigmatized both Magistrates and Judges as "incompetent or perverse." It is a very stale political trick, familiar to the despots of ancient Greece, to commence encroachments by setting oneself up as a champion of the poor, and by preaching a disregard of unpopular laws. The latest mode of "drawing" Mr. G. is to get up an excursion and present a Burslem vase. This was recently tried with success, and Mr. G.'s latest inconsistency is that, forgetting what he had written before, he has said that the treatment of Irish political prisoners by the Government is worse than that of King Bomba! But it is impossible to suppose that Mr. Gladstone has yet reached the climax of inconsistency; he will surely rise on the stepping-stones of his dead self to many more extraordinary things. The shooting of little boys by Colonel Dopping, the cavalry charge which never took place, his exhortation to "remember Mitchelstown," fade into nothingness before his approval of the Plan of Campaign, which has been condemned by the Pope and the highest Irish Tribunal, and has not yet been formally sanctioned even by Mr. Parnell. And yet Mr. Gladstone has said that in the whole of his career he can hardly recall any incident painful to his recollection. Envious loss of memory!

The case of *O'Donnell vs. The Times* deserves a passing word. The charges were undoubtedly libellous, if their truth could not be established, but they were held not to apply to the plaintiff. The jury deliberated one minute on their verdict, and found the remarks in "Parnellism and Crime" to be justifiable criticism. The Attorney-General was compelled to set out his whole case, and the result was a signal victory for the *Times*. As to the state of Ireland, Lord Salisbury said at the Mansion House that the number of persons boycotted had been reduced from 4,800 to 1,300: the Government policy had diminished the tyranny of illegal associations, and increased respect for the sanctity of contracts.

The Naval mobilisation was not altogether a success; rules were disregarded by combatants, and there was a want of proper supervision by umpires. The manœuvres resulted in defensive failures, except in the case of London. One of the commanders committed a gross outrage on religion by bombarding a Scotch town on the Sawbath, and that, too, while service was going on! On the other hand, the French Naval manœuvres are said to have proved that the French fleet was ready for action at any moment. They were, however, brought to an abrupt termination, in order, it is believed, that Italy

might not take alarm. Lord Wolseley and Lord George Hamilton could not agree as to the amount of tonnage necessary to convey 100,000 French troops across the Channel. Mr. Gladstone approves of the Channel Tunnel scheme.

The Trafalgar Square demonstrators have tired of their so-called conversaciones in the Square. On one occasion they were pretty severely mauled by the police. The Currency Commission is engaged in writing its report. It is said there is a majority of one in favour of bi-metallism. The Reform Bill and several other great measures have been passed by majorities of one. There is room for hope, as it is said that America is pledged to an international settlement of the Currency Question. It is England who has hitherto destroyed the possibility of agreement at each Monetary Conference by curt refusals to meet the wishes of America, the Latin Union, and Germany for a settlement on an international basis.

Mr. James Monro, Assistant Commissioner of Police, has resigned—as irreparable a loss for the metropolis as his retirement was for Bengal. It was reserved for a Bengal Civilian to instil a wholesome fear into the criminal and disorderly element of London. The dynamite party have had a “burra khana” at the Hotel Metropole on the strength of Mr. Monro’s retirement.

### *Parliament and Legislation.*

During the quarter the Opposition were defeated on Mr. Morley’s inopportune motion of censure: the motion for an inquiry into the case of Mr. Tayler of Patna was rejected by 184 to 20; and the C. D. Acts were repealed without a division. As to this repeal, a Home paper remarks, that it shows how little the majority of Anglo-Indians represent English feeling and opinion! It is a significant sign of the times, and possibly a harbinger of widespread agrarian agitation, that the motion of Mr. Thomas Ellis for the extension to Wales of the agrarian legislation of Ireland was only rejected by a majority of 12. The motion for the payment of members of Parliament was defeated by 57—not a large majority. In almost every foreign country payment is necessary in consequence of the non-existence of the class from which English members of Parliament have generally been drawn. No doubt if payment be introduced, the position of M. P.’s will materially suffer, and competition for annuities of £300 and £500 a year will lead to manipulation and corruption of the electioneering machinery. Still the present system deprives England of many of her most talented men. Better to secure the services of able men by payment than to

let moneyed idiots have a voice in shaping the destinies of the country. The Life Peers Bill was abandoned by Mr. Smith : it was a good Bill, but recognized to be only a half measure. Mr. James Bryce may be partially consoled for the loss of his Access to Mountains Bill by the settlement effected at the Cumberland Assizes, in regard to the hill Latrigg near Keswick, in the case of *Spedding vs Fitzpatrick and others*. The owner of Latrigg had asserted her claim to prevent people going up it without leave, but this claim was partially withdrawn.

The Imperial Defences, Local-Government, Oaths, and Libel Law Amendment Bills were passed by Parliament. The Local Government Act is supposed to have "dished the Rads," but it is probable that it will dish the Conservatives. The new administration will be more costly than the old, and any measure which tends to lessen the influence and contract the sphere of usefulness of a resident country gentry is surely to be regretted. The Justices in Quarter Sessions have done excellent work, and a practically efficient body has been sacrificed to an abstract idea. We shall probably have the same complaints that have been made of late about the Local Boards in Bengal. There will be many Caucuses and Schnadhorsts galore.

On the motion of Lord Randolph Churchill, Mr. Conybeare was suspended for a month for a libel on the Speaker in a newspaper called the *Star*.

#### *Police and Law.*

Mr. Montagu Williams, the Wandsworth Magistrate, has again been trying to bruise the Police, but has got rather bruised himself instead. The acquittal of the constable George Russell at the Old Bailey has somewhat discredited Mr. Williams. The Recorder observed that he had never known so many falsehoods told against a prisoner. The Home Office has recognized that there exists something very like an organized conspiracy against the Metropolitan Police. In the Regent's Park Murder case, Galletly, one of the prisoners, has been found guilty. This should free certain London streets from the cowardly rowdyism which has run rampant of late years. Some of the Irish party, too, have been caught in the meshes of the criminal law : Mr. Kelly has been sentenced to four months' imprisonment for a speech inciting to a breach of the law, and the Mayor of Sligo has been sentenced to a similar term. Mr. William Redmond has been sentenced to three months. Mr. Dillon's appeal has been dismissed ; but he has recently been released owing to ill-health.

Mr. Vizetelly, the publisher of Henrietta Street, has been committed to the Central Criminal Court for publishing translations of Zola's novels.

*The Drama, Sport, &c.*

The case brought by Wood, the jockey, against Cox, the Editor of the *Licensed Victuallers' Gazette*, ended in a verdict for the plaintiff with a farthing damages—a compromise between jurors who wanted to find for defendant and others who wanted to give substantial damages! After the ruling in *Scott vs. Sampson*, I suppose the Lord Chief Justice was bound to allow the defendant to give general evidence that the plaintiff was commonly believed to be in the habit of pulling horses; but Lord Coleridge does not shine at *Nisi Prius*, and he fairly staggered criminal lawyers by his denunciation of Sir Augustus Stevenson for having granted a fiat for a criminal prosecution, on the ground that it was not a matter of public importance!

The University Cricket Match was played in weather suitable for ducks, and ended in a draw. The Australians have beaten England, and England has beaten the Australians; and finally England has beaten the Australians by an innings and 21 runs. The Players beat the Gentlemen by an innings and 39 runs. The Ladies' Tennis Championship was won by Miss L. Dod.

Two versions of "Dr. Jekyll and Mr Hyde" have been played, one by Mr. Mansfield, an American, and the other by Mr. Bandmann, of Mrs. Rousby notoriety. The first is said to be more "creepy" than "the Bells;" the latter is a mere scenario without any literary pretensions. Sardou's "La Tosca" and Dumas' "Francillon" have been played, the immortal Sarah taking the principal part. Both plays are risky and indelicate, to speak euphemistically, and the wonder is that they could have been licensed in England. Mr. Piggott excuses himself by saying that he could not reject a play by the greatest of French authors, produced at the greatest of French theatres, and now performed by the greatest of French actresses. "The Union Jack" at the Adelphi is a combination of "In the Ranks" and "Harbour Lights," and gives darling Terriss (*né* Lewin) plenty of opportunity of bringing down the—pit and gallery. "Run Wild" at the Strand gives full scope to the exuberant fun of Willie Edouin and Alice Atherton, whom many of us have seen in "The Babes." At Covent Garden Miss Alice Shaw, as *La Siffreuse*, fills the house with her ecstatic trills and warblings. "A Midsummer Night's Dream" has been played as an open-air ballet at the Crystal Palace. It was said to be a perfect vision of fairyland. White rabbits, green frogs, "fiery-eyed glowworms," &c., are seen on the stage, while a real waterfall drips over the entrance to Titania's rose-covered bower. "The Still Alarm" at the

Princess' is said to be an inept play, merely to show the working of the New York Central Fire Station: the audience have to sit out three hours of weariness in order to enjoy ten seconds of sensation! Magnificent scenery and fine dresses saved the "Pompadour" at the Haymarket from failure. Miss Mary Anderson has appeared in "The Winter's Tale." "David Garrick" has been revived, and "Dorothy" flows on for ever.

There have been exhibitions galore, Irish, Italian, and Anglo-Danish. The last is said to be very much "Anglo," and very little Danish. At the Irish exhibition they are having Promenade Concerts, so that Londoners ought to learn a good deal about the distressful country.

Among the publications of the quarter are the Rev. J. Bright's History of England, Period IV., 1837-1880; another volume of the Calendars of State Papers; Marzial's Life of Victor Hugo; International Law, by Leone Levi; Frederick Harrison's Cromwell; "Cricket" in the Badminton Series, Mr. Haggard's "Maiwa's Revenge;" Lectures on Geography; by General R. Strachey; Political Essays by G. R. Lowell, &c.

## INDIA AND THE EAST.

### *External.*

ISHAK KHAN has revolted against the Amir. A mission is going to Cabul at the Amir's request with Mr. Durand as chief political officer. A force, to be styled the Hazara Field Force, is soon to start for the purpose of punishing the Black Mountain tribes for their repeated raids and acts of aggression. As to Afghanistan, Abdurrahman has so far proved himself worthy of the trust reposed in him; but the continuation of the railway from the Pishin Valley in the direction of Candahar is hardly an adequate reply to the completion of the Central Asian Railway, and to the other movements of Russia on the Oxus and the Murgháb. Professor Vambéry thinks we should station an English officer at Herat. Turkestan has 70,000 troops; and certainly if England and Russia were engaged in war to-morrow, the Russian Generals would at once be ordered to create a diversion on the side of India. The Trans-Caspian Railway is nearing completion, and Russia may well be proud of it—907 miles constructed within three years at a cost of £4,500 a mile. If we extend the line from Quetta to Herat, it can be united with the Russian Railway by a line through Serrakhs and Dushak, and there would then be through connection

between Europe and India. The journey from Paris to Shikarpur would take only ten days.

Burmah is gradually being quieted, and all the dacoit leaders are being caught or killed. The death of Bph Shwe Yaw ensures the complete pacification of the whole of the Sagaing district. Nga Me, the notorious dacoit leader in Tharrawaddy, has been captured. Most of King Theebaw's creditors have been paid, the Indian Government having shown a liberality in this matter, which probably would not have been shown by any other civilized Government. Some of the creditors actually supplied the sinews of war to Theebaw, and then ask us to pay them. Surely this is adding insult to injury!

We are daily expecting news of some action in Tibet. There is said to be a gathering of at least 12,000 Tibetans behind the Jelapla and Pemberingo passes. We now have a considerable force at Gnatong, and it is to be hoped that the enemy will be followed up and crushed once for all. A forward movement is said to be delayed only by the inclemency of the weather. There has been a scare in Darjeeling, which, under the circumstances, was perhaps not unnatural. Some Booteah spies have been caught in Darjeeling, but so far as we know, they have not been made State prisoners under Reg. III. of 1818. This Regulation probably might be worked a little more with advantage. While we cannot put our foot in Tibet, news comes that Colonel Prejevalsky has actually started on an exploring expedition to the west and south-west of Central Asia, his object being eventually to reach Lhasa.

### *Internal.*

Some preparations have been made in Madras for the next Congress; but they are being met by anti-Congress meetings, the heads of which are adopting the tactics of their opponents in getting pamphlets printed and distributed broadcast both in India and England. The English public should now have an opportunity of hearing both sides of Indian questions. Sir Syed Ahmed has delivered some powerful addresses, and the Rajah of Bhinga in Oude has written a powerful letter to the *Times*. In England Messrs. Eardley Norton and Bonerjee are doing their best to destroy any reputation they may have possessed. Mr. Bonerjee must have been well aware of the incorrectness of his statement that the Courts in India daily enhance punishments! Mr. Norton's sayings and doings are beneath notice.

Calcutta and its cholera are attracting much attention at home. Mr. Justice Cunningham's addresses seem to have produced

a considerable effect; and if only the House of Commons is roused, we shall probably witness a vigorous working of the new Municipal Act, and extensive sanitary measures, beside which the cleansing of the Augean stables will dwindle into insignificance. The Government of India have issued a comprehensive Resolution on the subject of sanitation, and it really looks as if the matter were going to be taken up in earnest all over the country: There is to be a Central Sanitary Board in Calcutta with considerable powers of control and direction.

• We have also had an important Resolution on Jail Administration, and one on Education and Educational Policy, the chief feature of which is that, where local efforts or private enterprise shows itself able and willing to supply the educational wants of the people in any locality, it is the policy of Government to retire from the field of direct instruction, and to help by reasonable subventions of money the operations of independent institutions. The inspecting agency is to be kept separate from the teaching staff, and an attempt is to be made to establish technical schools. Last, but not least, is the preparation of a moral text-book based upon the fundamental principles of natural religion. Of the three Resolutions, that on Jails is incomparably the ablest and most convincing. That on Sanitation has been noticed in the article on "Cheap Village Sanitation." The Moral Text-Book will be treated by one writer at any rate in the January number.

The Deccan Mining Inquiry Commission has submitted its report, which states that the concessionaires used the concession for the realization of great gains which were not intended for them, and this was done to the injury of the Nizam's State with the assistance of Abdul Huq. The report deprecates direct communication between Native States and speculators.

Stock notes have been withdrawn and their conversion authorized into four per cent. Government Promissory Notes. Mr. Nolan, Revenue Secretary to the Government of Bengal, visited Burmah with the object of organizing emigration from Bengal to Burmah: 15,000 acres of land have been granted to Mr. Milne on condition of his employing only Indian immigrant labour. There have been several meetings in connection with the Uncovenanted Civil Service agitation. Those who are interested in the question will find a succinct summary of it in Mr. Buckley's statement of the case for the plaintiffs in this issue. We shall be ready to insert any other view of the case in our January number.

Local self-Government has so far had the result of increasing the work of District Magistrates. In Bengal there is a ten-

dency for all the ability and talent of the community to concentrate itself in sudder stations. For this reason municipal wants are known and made known ; but the District Magistrate continues to be the only person conversant with the wants and requirements of the district as a whole. Sanitation is said to have been neglected in many places, for instance, Dacca, Serampore, and Utterpara ; and there have been complaints on the part of several Mahomedan communities that their wants are not attended to by the Hindu Commissioners. The reply of the Serampore executive to the strictures of Dr. Lidderdale is perhaps the weakest and most unconvincing document ever penned by a public body. It certainly indicates that there is something rotten in—the Danish settlement. The agitation against kine-killing continues, and one or two municipalities have prohibited the slaughter of cattle within municipal limits. Some dissatisfaction has been expressed in the Native Press with the confidential police circular. In his reply to the memorial of the Indian Association, the Lieutenant-Governor stated that the circular was not indicative of any new departure, but merely directed increased attention to what has always been, in every country, a recognized duty of police administration. In this connection Sir Lepel Griffin at home has been pulverising Mr. Slagg.

The severe hot weather compelled Æacus, Minos, and Rhadamanthus to abandon for a time the dispensation of justice in the infernal regions of Calcutta ; but their unfortunate brethren in the Mofussil, where the thermometer registered as high a temperature, were unable to close their cutcherries for a day. If the accounts of Simla gaieties have roused the envy and the ire of certain Calcutta newspapers, what feelings should they not excite in the breast of the Mofussilite, who has no opportunity of jading himself with the excitements of the metropolis, and who reads with inward blessings of picnics to Mushobra, of 'Bluebeard,' 'Ali Baba,' 'Vilikins and his Dinah,' 'Trial by Jury,' and what not? The unusually hot weather was followed by a late and heavy monsoon. There have been destructive floods in Pegu and Orissa, and at the present moment there is severe scarcity in Khordah, where the stringency of the Forest Rules has deprived the poor Bowreas and Savars of their only livelihood.

There have been numerous interpellations in the House on Indian affairs, and Government is getting tired of these inane attempts to govern India from Westminster. Sir J. Gorst said that the principle on which India was administered seemed to be misunderstood ; the post of Viceroy, though no doubt somewhat out of date, had not actually been abolished ; and the Viceroy, though this fact was not generally known,



was still responsible for the administration of India and for the conduct of Indian officials. The discussion on the Budget was less interesting than usual. Mr. Bradlaugh attacked the increase in the Salt-Tax, and demanded better representation of the natives in the Viceregal and Provincial Councils. Mr. Maclean pointed out that the proposal of the National Congress to place natives on an equal footing with Europeans in the administration of India was incompatible with the very idea of our Empire in India. Sir Richard Temple maintained that the condition of the finances was satisfactory, except as regards exchange and opium: compliance with the objects of the National Congress would amount to the abandonment of our Imperial position in India. In future only financial questions are to be discussed at the Budget debate. I have always been disposed to believe in Mr. Bradlaugh's honesty; but his sagacity and acumen are open to question, when he could be so easily misled by persons of the type of Norton and Bonerjee, and even in his native Northampton could not realize the truth of the adage *ne sutor ultra crepidam*.

### *Legislation, Law, and Police.*

It is often darkest under the lamp, and the nearer a religious edifice, the further, &c. These sayings were exemplified in the torture case. Can such things happen in Calcutta, where there is no executive head? On the other side of India we have witnessed the termination of the Rukhmabai case. Mr. Vicajee said that his client had only brought the case in order to have it decided whether a Hindu husband is entitled to restitution of conjugal rights. Disinterested and public-spirited client! What would not Lincoln's Inn and the Temple give to have a few like you to take legal points up to the House of Lords! The client said he had come to see that Rukhmabai had no affection for him, and therefore he did not wish to proceed further. Discerning and magnanimous Hindoo!

Revised rules have been issued for the Calcutta Honorary Magistrates. Their chief feature is that the Magistrate may appoint any unpaid magistrate to sit singly. They are thinking of appointing Honorary Magistrates in Bombay—a retrograde step, as it has been found necessary to have stipendiaries only in all large towns in England. The case of Mr. Dickson against the East Indian Railway for wrongful dismissal was decreed in favour of the Company.

The Sub-Judge of Tellicherry has been convicted of bribery in two cases, and sentenced to four years' rigorous imprisonment and a fine of Rs. 20,000. The Madras High Court have

promptly let him off. As they have upset the Lower Court on a pure question of fact, they probably do not believe in Sir James Stephen's remark, that on questions of fact the Original Court, which decides on *direct* evidence, is more likely to be correct than the Appellate Court, which decides on *hearsay* evidence. Mr. Crawford, of the Bombay Civil Service, has been suspended on charges of bribery and complicity in bribery, and is to be tried by a Commission consisting of Mr. Justice Wilson, Mr. Robert Crosthwaite, Judicial Commissioner of the Central Provinces, and Mr. Quinton, Member of the Board of Revenue, N.-W. P. Meanwhile Honumant Rao is being tried in the criminal court. The composition of the Commission is unexceptionable.

The quarter has been somewhat fruitful in important cases: The Calcutta High Court has permitted a *purda-nishin* lady, living close to the Police Court and within its jurisdiction, to be examined by Commission. The decision was considerate and just; but it may be doubted whether one to the opposite effect would not have been more just to society. We are inclined to think such a point should be decided on broad principles without reference to the equities of the particular case. The decision may have some awkward results. The ruling of the Chief Court of the Punjab that *lawaris* bulls can be criminally misappropriated, extends the doctrine of juristical persons, which had been hinted at by the Madras High Court. It seems to me that you can criminally misappropriate what a man has lost, and not what he has *abandoned* or let loose to roam where it likes. The act of letting loose the bull might be an offence under section 268, if not section 283 also, of the Penal Code. I think Mr. Justice Straight's decision ought to prevail. On the same lines as the above two cases is the decision of the Allahabad High Court, that there is by Indian common law an easement of privacy. This decision will tend to stereotype and perpetuate the seclusion of women, and retard their emancipation. The Chief Justice in Madras has sagely remarked that Judges are not school-boys, and has refused to allow a register to be kept showing the attendance of Judges in Court. It is said that such a register is kept in England. Mr. Moylan, the *Times* correspondent, has been expelled from the Rangoon Bar.

Captain Hanwell brought a case of defamation at Poona against Ahmed, a jockey, for saying that he (the complainant) had ordered the jockey to pull a horse. Ahmed was fined Rs. 100, and the sentence has been upheld by the Judge. The currency notes forgery case in Calcutta created some stir among the native community, owing to the supposed danger of an innocent brother being implicated in the criminal

acts of a brother with whom he lives jointly. However, the joint brethren were acquitted, and the danger, which had threatened a not too much cherished institution, passed away. Mr. Kirkwood has retired, after having achieved notoriety in the Budhia case. The order passed by him was indefensible. No one who has read the evidence can doubt, however, that the man charged with theft was innocent in this particular case, and that the case was concocted. Hence Mr. Kirkwood's indignation. He has, before leaving the country, given Rs. 500 to the victim of his outrage. In India the law is no respecter of persons, and Holkar's brother has been sentenced to three months' imprisonment and a fine for cruel treatment to one of his wives aged twelve. She jumped out of a high window to escape his brutality.

The following Acts have been passed by the Legislative Council : to prohibit private coining : to declare the yard to be a standard measure : to remove doubts as to the legality of certain tolls levied in the Punjab and elsewhere : to amend the Telegraph Act : to repeal the C. D. Acts : to amend the Salt Act : to amend the Presidency Small Cause Court Act. A Bill is pending to validate certain clauses of the Bombay and Calcutta Municipal Acts.

**OBITUARY :** The Raja of Cochin : Babu Joykissen Mookerjee, the patriarch of Bengal, and pillar of her zemindars : Sir Rao Ganpat Rao, President of the Gwalior Council.

H. A. D. PHILLIPS.

*P.S.*—As we go to press (September 22nd) we just have time to record a matter of Imperial interest,—“The Forty Thieves” is being played in Simla with great success!

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## SUMMARY OF ANNUAL REPORTS.

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*Geological Survey of India. Part II, May 1888.*

**P**ART II of the records of the Geological Survey of India opens with an appreciative notice of the services of Mr. Medlicott, late Head of the Department, to whom the Wollaston Gold Medal has been awarded. At the time of presentation, the President said—

“Mr. Medlicott,—The Council of this Society are not unmindful of the fact that many of our Fellows are engaged in the promotion of Geological Science in every part of a vast Empire; in awarding to you the highest honour which is at their disposal, they are following a precedent which was established more than fifty years ago, by the presentation of the Wollaston Medal to Cautley and Falconer. In that great Indian dominion where those famous geologists carried on their important researches, you commenced your labours as far back as the year 1854; and for more than a third of a century you have continued the almost incessant exertions which have led to very important additions to our knowledge, often obtained only at the price of severe hardships, and at the risk of serious dangers. During the last eleven years you have occupied the important and responsible position of Director of the Indian Survey; and it is to your administrative ability in that position that we owe many of the valuable results obtained by that Survey in recent years; more especially are we indebted to you and to our Secretary, Dr. Blanford, for that useful Compendium of Indian Geology which has now become indispensable to all students of our science. We feel it to be singularly appropriate that we are able to make this award to you just at the time that you return to your native country for the rest you have so well earned.”

Mr. Medlicott replied :—

“Mr. President,—The award of the Wollaston Medal by the Geological Society is the most gratifying distinction that a geologist can receive. It is only as a recognition of devotion to our science that I can venture to accept so great an honour. My work has been chiefly in combination with others, and it gives me much consolation to think that my colleagues of the Geological Survey of India will share in this reward and will appreciate it.”

Mr. Foote contributes to this record a paper on “The Dharwar System, the Chief Auriferous Rocks in South India. He describes it as a marked series, consisting mainly of schistose rocks (hornblendic, chloritic, and argilistic) with more or less hæmatitic quartzites, and numerous contemporaneous trap flows.” The Kolar gold-field occurs in an outlying band of the Dharwar system. The existence of the Dharwar rocks over the face of the gneissic systems in peculiar bands and portions of bands is a geologic problem that has occupied

Mr. Foote's attention. His suggestion towards explaining this phenomenal departure is that the Dharwars, as—

now seen, are the remains of a great sedimentary series which covered a very large area in what now forms the peninsula of India. The periods of sedimentary deposition were, interrupted by periods of volcanic activity, during which great flows of contemporaneous trap were poured out. Many such flows were formed in different parts of the Dharwar area, as in that which now forms the Sandur and Bellary hills, and further to the south-west the hills south of Chitaldrug and the Bababuden mountains.

The Dharwar rocks were at a very remote geological period exposed to vast lateral pressure, by which they were crumpled into great folds, which were then exposed to great denuding action, and largely eroded. This took place anterior to the deposition of the Kadapa and Kaladgi basins, which belong to the upper transition group. Both basins were deposited unconformably on the upturned and greatly contorted and eroded beds of the Dharwar system. The great jaspery hematite beds of the Dharwar system furnished the bright coloured jasper pebbles which are so striking a feature in the basement and other conglomerates of the Kadapa system.

The forces that crumpled up the Dharwar rocks had naturally a bearing on the overlaid gneissite, and in many places "induced a parallelism of folds which gives locally great semblance of conformability." The action of the gneiss rocks at the southern end of the Sandur tract is held to show that they were affected by an anterior process of crushing. Trap is to be found in the valley of the Belowaddi Nullah, at the north end of the main bands. In the neighbourhood of Byl Hongal and Belowaddi, the sands of several streams are popularly held to be auriferous, and used formerly to be washed for gold. Extremely few traces of quartz reefs are visible on cursory inspection. At Harihar and other places they are greatly masked by alluvium, and by an almost ubiquitous cotton soil. We have an idea that, as long as gold finding is found to *pay*, practical gold finders are not in the habit of giving up their quest; whether they are concerned with it in the 13th century or the 19th. In Australia, even yet there are miners, hoping and working against hope, against many of the teachings of experience.

Baboo Pramatha Nath Bose, B. Sc., F. G. S., contributes to the *Records* "Notes on the igneous rocks of the districts of Raipur and Balaghat." Felsitic rocks and their unwarranted intrusions are his fad. Thus—

The absence of bedding, the straightness in direction of the felsitic outcrops, the alteration visible in the adjacent rocks at places, and the presence of included Chilpi fragments, as well as of patches of Chilpi rocks in the form of islets, suggest the intrusive origin of the felsites.

It is just as well to add perhaps that the "breccio-conglomeratic character of the Chandarpurs plainly declare them to be a shore deposit." We have made a note of this useful bit of information. Other words are to be found equally suitable for "spelling-bees."

*Court of Wards, N. W. P., for 1886-87.*

AT the close of the official year 1886-87 the number of Estates under the Court of Wards management in the North-West Provinces was 105. Most of them were redeemed from bankruptcy, but Balbhaddra Singh's property in the Benares district was hopelessly involved, and had to be sold, and even then failed to satisfy all claims against it. The personal ordinary expenditure of the year for the Wards—i. e., maintenance allowances, &c.—was Rs. 1,49,556 as compared with Rs. 1,67,058 in 1885-86, and the personal extraordinary expenditure of the year amounted to Rs. 33,137 as against Rs. 64,983 in the previous year. The educational charges of the year amounted to Rs. 19,779 as compared with Rs. 22,578 in 1885-86. The decrease is attributable mainly to the removal, on account of ill-health, of the ward Pertab Chand of the Allahabad districts from the Wards' Institute at Agra.

Rupees 76,504 were expended in works of improvement which were carried out in 47 out of the 115 Estates under management during the year. Takavi advances aggregating Rs. 4,845 were made during the year to tenants, and Rs. 1,29,495 were advanced by the Court of Wards from one estate to another, or to private individuals. The number of notices of ejectment under the Rent Act issued during the year was 280, and the area of the land to which they referred was 2,258 acres. Of these notices 75 were contested, and the objections were successful in 15 cases. In 152 cases the tenants relinquished their holdings without contest, and in 52 they were permitted to remain in possession at enhanced rates.

Mr. Quinton, of the Allahabad Board of Revenue, considers the result of the year's management to have been, on the whole, very satisfactory. The figures are very insignificant compared with Court of Wards' Estates in Bengal.

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*Annual Report on the Police Administration of the Town of Calcutta and its Suburbs for the year 1887.* By H. L. HARRISON, ESQ., Commissioner of Police, Calcutta, 1888.

IN connection with the Annual Report on police administration in Calcutta and its suburbs for 1887, we are glad to find that beginnings are at last being made at a real attempt to put down the practice of perjury. Five men were punished at the instance of the Judge of the Small Cause Court for obtaining decrees on false claims. Three men were sentenced to four years' rigorous imprisonment for arresting and bringing to Calcutta a ryot of the Hooghly district on a warrant granted by the Chief Magistrate, on a false charge of criminal

breach of trust—the object being to prevent his appearance in a suit at Hooghly, in which his zemindar was respondent. In 19 cases of perjury the defendants were sentenced to fine and imprisonment. But *only one case was instituted by the Magistrate suo motu*. Sir Stuart Bayley is setting his face against inadequate results. He “can scarcely believe that a mere sentence of fine was an adequate punishment in 12 out of the 16 cases in the suburbs, in which the prosecution was successful.” Neither can we. Examples are needed in order that the people may understand that the Government is really in earnest in its intention to stamp out a habit they have indulged in for centuries with impunity.

There were 164 true cases of house-breaking against 166 in the previous year. In the suburbs there were 1,720 cases of theft against 1,607 in 1886. The Lieutenant-Governor does not think that the Jubilee release of prisoners had anything to do with the increase.

It is satisfactory to find only five cases of rioting or unlawful assembly reported against nineteen in the previous year.

The Lieutenant-Governor regrets to see that the Chief Magistrate has again had to notice the want of punctuality and absence without notice of some of the Honorary Magistrates.

### *Lunatic Asylums in Bengal, 1887.*

#### PRINCIPAL STATISTICS :—

The number of admissions into the asylums fell from 207 in 1886 to 168. Of these, 144 were males and 24 females. The number of re-admissions was 13 against 18 in the previous year. The total number of persons treated for insanity was 1,137 as compared with 1,173 in the previous year, and the daily average population of the asylums was 943·11 against 963·9 in 1886. Of those under treatment, 88 were discharged cured, 39 were transferred to the care of friends, 86 died, and 2 were otherwise disposed of. The percentage of recoveries on the average strength was 9·33 against 9·02 in the previous year. 922 lunatics remained in the asylum at the close of the year, of whom 729 were males and 193 females.

The number of criminal lunatics, which had risen considerably in 1886, has fallen off slightly, the figures being 384 on the 31st December 1887 against 397 on the same date of the preceding year. There were 80 new admissions during the year against 81 in 1886, of whom 73 were males and 7 females. The daily average strength was 390·88, 75 persons were discharged or transferred, and 28 died.

During the year 116 persons have been shown as suffering under the head of mania, 32 under melancholia, 16 under dementia, 3 under epileptic insanity, and 5 under toxic insanity. In 439 cases the disease is attributed to physical causes, and in 132 to moral causes. Of the former, 247 cases are said to be due to ganja, 4 to bhang and charas, 54 to spirit, 7 to opium, 25 to fever, 41 to heredity, 27 to epilepsy and 34 to other causes. Of the 132 cases attributed to moral causes, 89 were due to grief, 9 to fear, 13 to jealousy and 21 to other causes.

At Dullunda the daily average number of sick was 12·89 against 7·65 in the previous year, while in Berhampore the average was 7·33 against 3·09. The sick list of the Dullunda Asylum is said to have swollen by an epidemic of chicken-pox and by the prevalence of fever. At Berhampore bowel-complaints and fever were more than usually common. The diseases most prevalent in the asylums were anæmia and debility, diarrhoea, dysentery, fever, pneumonia and phthisis.

The number of patients in the European Asylum at Bhowanipore, at the beginning of the year, was 29, of whom 15 were males and 14 females. During the year 21 persons were admitted and 3 re-admitted, making a total of 53 patients; of these 8 were discharged cured, 2 were made over to military authorities, 2 were despatched to Europe under the Merchant Shipping Act, 4 were transferred to the care of friends, 2 were deported to Europe as still insane, and 4 died, leaving 31 patients in the asylum at the close of the year. The daily average number was 29 against 31 in 1886. The causes of insanity were chiefly intemperance, heredity and epilepsy. The death rate in the asylum was 13·79 against 6·45 in 1886.

### *Inland Emigration, 1887.*

#### PRINCIPAL STATISTICS:—

The total number of Inland Emigrants for Assam Cachar, Sylhet and Chittagong aggregated 31,540, of whom 9,689 were registered under the Inland Emigration Act, and 21,851 were free emigrants recruited without reference to the Act. These are called free emigrants, though, as they are conveyed in large batches at the cost of Contractors and execute labour contracts at Dhubri on their entering into Assam, their actual position during the journey and their eventual legal position, is the same as that of the labourers whose recruiting and whose journey are supervised by Government.

Two agencies are employed for recruiting under the Act:—that of Licensed Contractors; and that of Garden Sirdars, authorised by the employers of labour. The number recruited by Licensed Recruiters for Contractors, and shipped to those districts, *via* Calcutta, Goalundo, Kooshtea, &c., was 5,821, the number despatched *via* Dhubri was 21,851, and the number registered by Licensed Garden Sirdars was 3,868.

Burdwan and the 24-Pergunnahs in Bengal, Shahabad in Behar, and Ghazee pore in the North-West Provinces were the largest recruiting grounds. The proportion of those who were residents or natives of the districts in which they were registered, was largest in Hazaribagh and Bankoorah, and the smallest in the 24-Pergunnahs and Burdwan. An unusually large number of free emigrants was drawn to Calcutta from other districts, by the prospect of employment in connection with the Kidderpore Docks under construction, and in the mills and factories in the neighbourhood of Calcutta. This facilitated their recruitment and transmission to the Tea districts.

The general health of the labourers in Depôts was good



During the transport on board the river steamers to Assam, only two deaths, one of which was due to cholera, occurred. There was, however, a virulent outbreak of cholera since the close of the year among labourers travelling by the Eastern and Northern Bengal Lines. There were ten female recruiters employed in Ranigunge, Manbhoom and Gya, who are said to have worked satisfactorily. There were, however, several unlicensed females who were surreptitiously employed by recruiters to collect young females. It is stated that they enter villages unsuspected, and get away with abducted females long before the latter are missed. As they work secretly, there is always a great difficulty in getting evidence against them. It has now become clear that some restrictions will have to be placed on the free emigration system.

*Jails of the N-W Provinces & Oudh.*

### PRINCIPAL STATISTICS:—

After a continuous decrease in the jail population since 1878, the number of prisoners rose from 73,788 to 77,313 in 1886. In the year under report there was a further increase to 83,103. These figures are arrived at after allowing for prisoners shown twice over in consequence of their transfer from the under-trial to the convict list, or from one jail to another. 7,242 convicts were released in February 1887, in celebration of the Jubilee of the Queen-Empress, and this vitates, for purposes of comparison, the figures of the daily average jail population. Taking the last six months of the year only, the daily average was 20,473, which shows a slight increase over the average, *viz.*, 20,254 in 1886. The total number in jail at the end of the year somewhat exceeded that at the close of 1886. At the same time, petty offences (sentences of less than one month) showed an increase of 1,217, and cases of theft an increase of 1,729; which seems to be plainly attributable to the high price of food grains during 1887. It is observed that of the 7,242 convicts who were released at the Jubilee, 174 only returned to jail after committing fresh offences.

The number of releases, as compared with those in the preceding year, were—

	1886,	1887.
On appeal ... ..	2,404	2,517
On expiry of sentence ... ..	29,021	26,985
Under remission rules ... ..	3,021	2,060
By order of Government ... ..	24	7,302
Total . . . . .	34,570	38,864

The large number of discharges at the Jubilee by the order of Government accounts for the falling off of those earned under the remission rules. In 1877, Rule XII of the Code of Rules for the regulation of the mark system in jails was first brought into full working in these Provinces.

The statistics of the religion, previous occupation, and sex of convicts show hardly any change as compared with those of 1886. There was a considerable increase in the number of previously convicted prisoners received in the jails, and it is satisfactory to find that nearly all were identified by the police before their arrival. The number of juveniles received fell from 537 to 343.

The total number of prisoners punished by whipping during 1887 was 629, showing a decrease of 209 from the number in 1886. The Fategarh and Allahabad Central Prisons (80 and 68 cases, respectively,) show the largest number of whippings. On an average 500 convicts, or 3 per cent. of the prison population, were employed as prisoner warders; and the year confirmed previous experience in showing the value of this system.

The death rate per mille of prisoners in 1887 was 27·64, to 22·85 in 1886. The higher figure is not really large, as the year was an unhealthy one generally, and the rate was affected by the sudden and temporary reduction in number at the time of the Jubilee jail delivery.

The conduct of the jails establishment is said to have been on the whole good, though the percentage of punishments to the strength of the native prison staff is very high.

### *Punjab Dispensaries, 1887.*

#### PRINCIPAL STATISTICS:—

Eight new Dispensaries were opened during the year and none closed. There was an increase of 184,610 in the number of persons treated.

During the year special efforts were made to improve the means of medical education for native women. The most liberal supporters of the movement have been the Amritsar Municipality and the Mooltan District Board. Good work was done during the year 1887 at the two Hospitals for Women, situated in Lahore and Amritsar respectively.

In the Hospitals and Dispensaries generally, the total number of major operations performed was 10,894 against 13,311 in 1886. This is due to a more careful distinction between major and minor operations, and not to any actual falling off in the amount of surgical work executed.

The income of all the Hospitals and Dispensaries increased by Rs. 7,884 during the year 1887, and the expenditure by Rs. 10,395.

It is to be regretted that subscriptions from private individuals fell off by Rs. 536-14-2.

At the Mayo Hospital there was an increase in the number of women and children treated; and the operations for cataract reached the unprecedented figure of 614. Of these only 40 were unsuccessful from all causes. The skill of Dr. Perry in dealing with diseases of the eye is well known, and his departure on promotion to Calcutta is a loss to the medical strength of the Province.



# CRITICAL NOTICES.

## GENERAL LITERATURE.

*Echoes from Old Calcutta.* By H. E. Busteed, C.I.E. Second Edition. Calcutta : Thacker Spink and Co, &c.

THE second edition of this very readable book is illustrated, and has been much enlarged. It deals chiefly with social Anglo-Indian life during a very interesting period in the last century, and the author has drawn, as far as was possible, on contemporaneous sources. Those who wish to have more details than can be found in ordinary histories regarding the by-gone times and celebrities of Calcutta, cannot do better than purchase this book, which is as entertaining as it is instructive.

For refined and diabolical cruelty it would not be easy to find a parallel to "the Black Hole" in the annals of history. It is extraordinary that a woman, Mrs. Carey, should have been one of the few survivors. Dr. Busteed points out that her relegation to a harem, which tradition assigns as her fate, does not rest on a very substantial basis. Orme consigns her to Meer Jaffir, while Macaulay gives her to the Prince at Moorsshedabad (Suraj-ud-Dowla.) The author is in a position to state that Mrs. Carey was not carried off; that she remained in Calcutta, and was married again to a military officer. Englishmen will hope that Dr. Busteed is right, and the historians wrong. Truly history is often made up of very flimsy and doubtful materials.

The chapters dealing with Sir Philip Francis and his times and with Nuncomar contain not a few facts of interest. There seems to be no doubt that the former sent home a land-revenue scheme for the "permanent settlement" of Bengal, which was afterwards carried out by Lord Cornwallis. He also sketched out a scheme for the Government of India, which was adopted in its main features nearly a century later. The trial of Nuncomar is a subject with which the public have been somewhat surfeited of late. Dr. Busteed comes to much the same conclusion as Sir James Stephen, namely, that the commitment and trial were perfectly fair, but he is doubtful as to Nuncomar's innocence or guilt. At that time the Judges of the Supreme Court were also Justices of the Peace for Calcutta, and the prisoner was committed by Justices Lemaistre and Hyde, who sat till ten o'clock at night, "when no doubt remained in the breast of either of us upon the evidence on the part of the Crown." The counsel for the prisoner was Mr. Farrer, the first advocate.

admitted by the Supreme Court, who is said to have retired in less than four years with £60,000. The Judges sat for eight days from eight in the morning till late at night, and that in the month of June. They could only have refreshed themselves with tepid water, for ice there was none. Add to this that they were arrayed in red robes and heavy wigs, and it can be easily understood that their judicial tempers were severely tried. The Judges themselves cross-examined the witnesses with severity and Nuncomar expressed a desire to his counsel to give up the case, as the Judges were his enemies and bent on convicting him. The Judges also enforced the English rule, by which the prisoner's counsel was debarred from addressing the jury. Sir J. Stephen remarks that they might well have held that the rule did not apply to India. Sir Elijah Impey's summing-up seems to have been impartial, but the Judges were ignorant of the language, and quite new to the country. That they *knowingly* convicted an innocent man is not even alleged by Mr. Beveridge; but it is clear that they had not the necessary knowledge and experience to decide so complicated a case. Whether Nuncomar was guilty or not—and there are very strong points in favour of his innocence—every one who knows India will agree that “the execution was iniquitous.” We do not agree with the writer that there is not sufficient foundation in fact for Macaulay's rhetorical passage regarding the execution. Why, even at the present time the public hanging of a Brahman Maharajah would elicit “piercing cries of horror and dismay:” how much more then! The offence, too, was one for which the Legislature, sixty years later, considered two years' imprisonment to be a proper punishment. To anyone who knows India, the evidence of Captain Cowe before the Parliamentary Committee is conclusive. He says that the thousands assembled raised a simultaneous shout of “Ah! Bápáre,” and many plunged into the Ganges from the terror of seeing a Brahman executed.

Houses were expensive in 1776, and Francis paid a rent of £100 a month for his. There are many of us who will re-echo the following sentiments of his in a letter to John Burke:—“Here I live, master of the finest house in Bengal, with a hundred servants, a country house, and spacious gardens, horses and carriages, yet so perverse is my nature, that the devil take me if I would not exchange the best dinner and the best company I ever saw in Bengal for a beefsteak and claret at the Horn and let me choose ‘my company.’” Society and customs were somewhat different in those days; white coats were worn even at public dinners; men used to despatch each his three bottles of claret, or two of white wine, before getting up from dinner, and ladies drank at least a bottle a day; visits were paid in the evening; ladies went to church in palanquins: native women

were sometimes whipped for perjury; dacoits used to parade the roads about Calcutta at so early an hour as 8 P. M.; the chief source of drinking-water supply was the Lal-Dighi (the tank in Dalhousie Square) in which pariah dogs, in the last state of mange, used to bathe; there were no sanitarium or trips to the hills. Apparently life was not much more enjoyable sixty years later, as Macaulay writes, that "a lodging up three pairs of stairs in London is better than a palace in a compound of Chowringhee." At any rate the Europeans who then came to India went home comparatively wealthy men, which is not the case now-a-days.

The chapter about Madame Grand is one of the most interesting in the book. It throws a flood of light on the life and society of the days of Warren Hastings, and shows that the adage "omnia vincit amor" was as true at that time as when Ovid wrote it. It seems curious to us that a Member of Council should have survived a case of crim. con. which was decreed against him. The record of the trial Grand *vs.* Francis is printed at length, and will repay perusal. Dr. Busted has done a great service in embodying, in a permanent form, a mass of information which would otherwise have been lost to the public. The hard-worked Indian official will find the book, from first to last, as interesting and refreshing as the last new novel.

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*Leviara; or the Rhymes of a Successful Competitor.* By T. F. BIGNOLD, B. A., B. C. S. Calcutta: Thacker, Spink and Co., &c.

THE author, who was known to many of us as a genial kind hearted friend, died in Melbourne while this book was still in the Press in Calcutta. He was an accomplished classical scholar, and a brilliant worker at times, though perhaps too unstable to bear the dull dead routine of a Civilian's crushing duties. His nature was full of poetry: a fiery soul chafing at its rigid and prosaic surroundings, unable to free itself from the trammels of mundane difficulties, has fretted and fretted the body to decay. Those who knew him and his, need no exhortation from us to peruse these posthumous poems. The first two instalments of "The Successful Competitor" are familiar to many of us. The third and last instalment, dealing with the period from 1872 to 1884, is in no way inferior in literary merit. In this poem it is no exaggeration to say that the versification is as smooth and polished as that of Pope, while the substance is rather the good-humoured banter of Horace than the indignant satire of

Juvenal. The author holds up to ridicule the excessive tendency to red-tapeism—

Explain why this was entered, that omitted,  
Why A was flogged, and B and C acquitted,  
Note whence this shameful error of three pai,  
And why Ram Chandra did not dot an 'i'.

He bewails the vanishing rupee, and bemoans the multifarious duties of a Civilian. He evidently thought India was not worth the candle—

'Tis not enough the solid hours to waste  
Among conflicting precedents and paste ;  
'Tis not enough to watch the turning scale  
And check each ser of gunny in the jail ;  
To penetrate the city's slums and sinks  
Concocting bye-laws subtler than the stinks ;  
O'er emigrants an angel guard to keep,  
Harangue them on the dangers of the deep,  
Or temper gilded visions of Cachar,  
By painting jails and jungles as they are ;  
'Tis not enough—but how shall I pourtray  
The legion Cahours of a single day ?  
Was it for this that Granta bade me seek,  
To mould Ben Jonson in Iambic Greek,  
Condense my prose, like Tacitus the terse,  
And rival Ovid's elegance in verse ?  
Cull roots with Donaldson, weigh words with Trench,  
Read, write, and talk Italian, German, French ;  
Repair to town in pestilent July,  
When dogs were rabid, and the Thames half dry,  
Abjuring bat and racket, oar and cue,  
To spend three weeks disgorging all I knew ? ”

He contrasts with regret the rule of the Magistrate of yore with the lot of the modern Civilian “ chained to the desk ”—

For in those days—'tis long ago, my friend,—  
Law was the means, and justice was the end ;  
Now Rhadamanthus revels in a flaw,  
And wrecks injustice, while he teaches law.

\* \* \* \* \*  
For the good Magistrate, our Ruler's say,  
Decide all night, investigates all day ;  
The crack Collector, man of equal might,  
Reports all day, and corresponds all night.  
Oh, could I raise my fascinated eyes  
From salt, stamps, cesses, income-tax, excise,  
Or quit the bench, and loose my courser's rein,  
To scour observant o'er the teeming plain ;  
Could I, with James, boast a double face  
Incongruous scenes alternately to grace,  
To twin tribunals twin delights afford,  
Please the High Court, and gratify the Board—  
Then all were well ; and I might touch the goal,  
A square, round man, within a round square hole.

He shows how it is possible to "mend the general average," and prevent calls for explanation regarding the disproportionate number of acquittals—

Ho ! Minions, bring me fifty, chaukidars,  
Whose beats deserted to the midnight stars  
Cry out for vengeance, and a trifling fine  
Shall meet the justice of their case and mine.  
Thus, having earned a temporary peace,  
I turn to court the donkeys and the geese,  
The calves and camels that my district yields,  
The twice-cropped product of a million fields,  
The market-value of exotic grain,  
The miles of railway on a roadless plain,  
And then, their mythic character confessed,  
Try fancy figures by a faulty test,  
And prove at last, by philosophic pomp,  
How State canals might irrigate a swamp ! . . .

The poems "The Rising Man" and "Our Peers" are both excellent. The latter smacks of Jingoism and the rampant Anglo-Saxon ; but the times were critical, and allowance must be made for poetic license.

But we have no space for more. These extracts will show what sort of a literary repast may be expected from "Leviora." The Hindustani translations of nursery rhymes are very amusing, while the topical rhymes are excellent. Here is one about Mr. Anderson, C. S., then Collector of Bancoorah, where Mr. Bignold was the Judge. The Collector had started a Fire-Brigade owing to the frequency of fires in the town, and it is said that some accommodating subordinate set his house on fire in order to give the Collector an opportunity of extinguishing it and earning immortal fame in—the *Calcutta Gazette* !

Caledonia had never a grander son  
Than our doughty Collector Jock Anderson ;  
See where he comes  
With his banners and drums  
Urging his bold Salamanders on !

Those who are off for the Poojahs by rail, road, or steamer, should not fail to take with them a copy of "Leviora."

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*The Battle of Tofrek, fought near Suakim, March 22nd 1885, under Major-General Sir John Carstairs M' Neill, V.C., K.C.B., K.C.M.G., in its relation to the Mahdist insurrection in the Eastern Sudan and to the Campaigns of 1884 and 1885.* By William Galloway, with various Maps Plans, Despatches and Documents. London: W. H. Allen & Co., 13, Waterloo Place. 1887.

MR. William Galloway, corresponding member of the Society of Antiquaries of Scotland, ought to be a happy man. For he believes that "Truth is great and will prevail." For which reason seemingly he has been at pains to write a book which he has managed to work up to 399 pages about a fight somewhere in Egypt three years ago. There was once a Yankee small arm gunner who boasted that he had brought down 399 wild ducks with a single shot from a duck gun. D--n it all, said the friend to whom he told the story, couldn't you have rounded off the story, made it *totus, teres, et rotundus*, by setting down the record at 400. Dd you suppose, said the indignant sportsman, that I'd imperil my immortal soul for the sake of one duck? So we have no reason to suppose that the historian of Tofrek has endangered his soul by a departure from strict accuracy. We are sure that such English troops as were engaged in the skirmish, did their duty, behaved bravely, fought well. But we take leave to doubt whether the affair was after all quite so important as Waterloo, Plassey, and Marathon.

In his preface Mr. Galloway indulges in this sort of high falutin: "Raised to lips panic-stricken, and in the first hot haste of the unexpected, ignorant of all that was essential, even to a moderately accurate statement of the facts, Rumour's brazen clarion could but ring out notes of discredit and dismay." There is a good deal more of the same sort of bombast, and the heroes of Tofrek may well pray to be defended from their admiring historian.

As an illustration, as it is called of the invaluable qualities of courage, and steadiness, and so forth, our historian relates how a half battalion of the Berkshires, "successfully repelled the enemy, without losing a man, at the same time killing two hundred of its assailants." It is made evident to us, moreover, that he has a good knowledge of Hindustani. Here is a specimen: "Burradoor gie ho pance kewaste." A translation is kindly afforded:—"You have gone a long way for water."

The employment of Indian troops out of India has been much discussed. We have Mr. Galloway's authority that it did good:—"Although, unfortunately, owing to the prevalence of ad-

verse winds in the Red Sea, and collapse of the French resistance, the Indian Contingent was not in time to participate in any of the warlike operations in Lower Egypt ; its appearance in the Thebaid had a most important effect in threatening the possible line of French retreat into the upper and more inaccessible districts of the country."

Here is one of Mr. Galloway's weather reports : " Heavy mist cleared by cool north-west breeze at 7-30, followed by dust-storm, wind shifting to north-east." If we only had such details about other great battles, we should be well off. "Paradise Lost" is said to have been sold to the publishers for £5.

We wonder what sum Mr. Galloway has paid the publishers for being allowed to launch this immortal history at the heads of an unoffending public—a public that, so far as we know, has never done him any harm.

*The Aryan Birthplace.* By Charles J. Stone, F.R.S.L. : Reprinted from the Transactions of the Royal Society of Literature, Vol. XIV—Part I. 1887.

IN 1884 the late Mr. Charles J. Stone, F.R.S.L., read before the Royal Society of Literature a paper on "The Aryan Birthplace" which has now, in loving memory, been printed and published by his widow and executrix. It is a well-reasoned, scholarly paper, bristling with authorities, and full of information. Mr. Stone held that we require more than a central point between the Arya Varta of India and of Europe. The argument is presented thus :—

We require a centre for the Aryan settlement in the worlds which have been styled the Old and New. Schlegel thought it improbable that the migrations of the Aryan race should have always been from the point at the extreme South-East of their settlements towards the North-East. But we now find that India does not afford the extreme Eastern point of which we have cognizance. The ruins of the old American civilizations seem to be displaying the Aryan world far to the East. There has been found the positive semblance of the *cross of Christendom*, according to Prescott's *Pern*, &c., but it may have been the sign of the Agni, the Swastika, which we find in Copan\* and in the explorations of Troy, &c.—the cross of the holy fire. There have been discerned words acknowledged to be of Sanscrit kindred. There are sculptured figures of the distinct Aryan type, in regard to which fact I beg to quote the authority of Professor Zeffi. When, therefore, this our great leading, warlike, pastoral, and earth-cultivating race of the world, is found to the East as well as to the North-West of Hindustan, and when in Hindustan we find ancient hymns without traditions of foreign origin, it is surely, at least, excusable to argue that in the well watered and wooded plains of this great country the race arose. No region on earth appears so favourable, not merely to the continuance, but to the origin of the pastoral and agricultural existences.

\* [On Copan and Chinese Symbols in Central America: reference may be made to a Paper by Dr. Hamy, of Paris in *Journ. Anth. Inst.* for February 1887.]

Did the early progenitors of the Aryan race learn to keep cattle, to practise agriculture, to refine language on the vast river plains of India, or in the comparatively small valleys of Bactria? That is the question at issue. Mr. Stone's verdict is for the southern nursery. In support of this it is written:—

We find elephants breaking down the woods; allusions are made to the rivers rushing to the ocean: the great river is mentioned in a manner which shows that the ocean does not merely mean a large body of water. The sea is called the asylum of rivers. Persons are decorated with garlands—to this day an especial feature of India. Bamboos, the large cotton tree, and other tropical productions are mentioned rather than those of the North. Peacocks and parrots inhabit the Vedic woods. The hymns altogether seem, from their internal evidence, to be the offspring of poets who are acquainted with and inspired by ideas derived from the districts of the Indus and Ganges as a whole. They know, and they allude to, the snowy mountains of the North and the oceans of the South. The rainy season of the South is entirely suggested in the hymns to Indra, Deity of the Firmament. But the most positive evidence of the Southern rather than Northern origin seems to be the conception of the Agni—to which allusion has been made—the holy fire. We do not find that this is venerated as being born in a flint stone, but in the wood, which is of the tropics. It must surely be allowed that the discovery of the possibility of obtaining fire by the friction of a hard and a soft piece of wood, belongs to the tropics.

The Vedic hymns distinctly suggest the outpourings of poets who have only distinct cognizance of the general features of the South of India. In fact, the conception of the Aryans descending from the valleys of the Oxus into Europe and Asia, and then passing outwards to Central America, seems to be without evidence, either in fact, or in the analogous history of other people. As well might it be surmised 3,000 years hence, that our two great branches of the Aryan race, in modern Europe and America, have descended from a common centre in Iceland. It is suggested that when speaking of ancient India, Ceylon, Cambodia, and possibly submerged territories—an oriental Atlantis—ought to be included in the record. But, we are reminded that in every conception, the *Mahabharata* seems autochthonous, born on the actual soil of India, no matter how remote the legends in their eccentricity may seem to be. The legends of Krishna's infancy, in the Harivansa, seem to show that the ancient pastoral life was partly nomadic. But in any case it was purely Indian. No Tartaric element is suggested.

Mr. Stone concludes his lecture thus:—

Taking Mercator's projection of the world, and considering the seats of the Aryans in Europe, and presumably in ancient America, the continent of India itself seems an obvious centre, in geographical situation, for the migrations of our race. The old civilisation which has there, in great part, survived with so much vitality, may therefore not unreasonably be held to have been autochthonous, that is to say, born there of the earth.

*Lotus : A Psychological Romance.* By the author of "A New Marguerite," &c. London : George Redway. 1888.

**P**ESSIMISM is the cant of the day ; and a great part of the intellectual fringe of fashionable society in England, tired of Schopenhauer and Von Hartmann's prosaic negations, and seeking some new thing, has turned with avidity to occultism and Neo-Buddhism desire for *Nirvana*.

*Lotus* is one of many literary outcomes from this new faith in unfaith. It is a novel evidently written by a woman ; a novel with a good deal of melodrama about it, the action of which is carried on in an old English manor house, and in which all the characters are English. But internal evidences of narrative, and here and there an idiom, suggest that the author is an American. And yet, well told as it is, interesting as it is, *Lotus* is, in the main, what one must needs call a repulsive story. The heroine is a modern adaptation to the shires of a mediæval Succubus. There is a good deal of the grave, graveyard corruptions, decays creeping things play an important part on its stage ; loathsome skeletons are for ever crossing it. But in spite of these drawbacks *Lotus* is a novel one reads with unabated interest from beginning to end, without feeling any temptation to "skip" in one's progress through its pages.

Many novelists are in the habit of giving an alternative title to their books. Had the custom been followed in this instance, the most appropriate one for *Lotus* would have been *The Ghost's Revenge*. We are not going to unravel the plot of this psychological romance. That would be unfair alike to reader and author. It suffices to say, that the girl Edmund Thallerton loved and was loved by, when he was penniless and not in a position to marry, dies of jungle fever in India, and thereafter, in the guise sometimes of a lotus, sometimes of an astral light, sometimes of a material shadow casting a shadow of gigantic height and fear-inspiring appearance, haunts him jealously when he courts a new love, and finally kills him on his wedding day in the midst of the wedding guests at breakfast assembled.

The Neo-Buddhistic purpose of the writing is never lost sight of. On page 156 we get a detailed description of a Prêta eating a cherry tree. "wood, leaves and all." The Aritchie Hell and the Cold Hells are pictured for us in a dream. Reference is made to Arupa Soka. We are told how, in Devachan, the persons we love and desire are there with us, and we feel them with us, although they are not really there. This is highly convenient.

"Why are you so patient, Dora? I am afraid you are but a chilly little soul."

"Am I? But it is better to warm slowly than to heat and cool too fast. Think how much better this is, than the time when you never spoke."

"Why was it worse then, darling? For your life was all your own."

"Oh, not my own; it was dark even as this room is, and without a fire. I knew what my life was, and that it was far from me. I knew it was all shadows and cold and mist, all solitude and paralysing fears. It lay before me like a long dark cell, only daylight at the further end, in death! Oh! it was piteous, cold, and fearful: a woman all alone, with work and without joy!"

"No, not alone! You would have loved another and been wedded long er now."

"You are but a man, Jack; think what you will. Smash down those windowes that bar out the light and let the grey sunshine within; but remember the bittes cold and frost; when one little life is withered, it is done."

"Life can be transplanted and blossom in another heat."

"But never as at first—God given; Jack, I am a woman sent from God and to Him to return. The path is short and I cannot stray, be it glad or deep gloom-riven. 'There is one path, one life, for everyone.'"

"Do you mean by that, there is no choice, and there can be no change. Even as your name is given, so is your love at birth?"

"Yes, so far have we no free-will: Shakespeare has just reversed it. There is not 'a Providence that shapes our lives, rough hew them as we will.' They are 'rough hewn' and we but shape them, and how badly shapen are they mostly, how faulty, how mistaken, how full of sin and trouble! There is always the glorious end; but we live so that we do not see it; forget the glimmering beacon from afar, and when it comes, we are not fit to look at it, we cannot see it, and we dare not try. And that is how we suffer."

Is this really the love-conversation of an engaged couple in the penultimate decade of the nineteenth century. Some of our readers will, no doubt, ask where the author is buried?

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*The Fauna of British India, including Ceylon and Burma.*  
Published under the authority of the Secretary of State for India in Council. [Mammalia] Edited by W. T. BLANFORD,  
London: Taylor and Francis. Red Lion Court, Fleet Street.  
1888.

IN view of latter day discoveries in the domain of Natural History, it has been felt for some time that a new account of the Fauna of British India is much wanted. The Secretary of State for India has now interested himself in the matter, and made the work over to Mr. W. T. Blanford, F.R.S. We have before us the first instalment of it; a volume, or, as he prefers to call it, a half volume devoted to Mammalia. For it would appear that the intention is to make each volume consist of 500 pages, and this one contains only 250. It is however—to use a forcible homeliness of expression—as full of information as an egg is full of meat. It is to be followed by six and a half other volumes, in which an account will be given of Indian Vertebrata. Dr. Day, C.I.E., is to undertake the Fishes. The Reptilia and Batrachia will be described by Mr. G. A. Boulenger, author of the recently published "British Museum Catalogues of Batrachia and Lizards." The Birds will, it is hoped, be taken in hand by Mr. E. W. Oates, author of the "Birds of British Burma."

It goes without saying that Mr. Blanford's share of the work is conscientiously complete. In the volume before us he deals

with monkeys, cats and dogs. About the Hanumán monkey he writes :—

An old male is occasionally found solitary, as with so many other mammals. The story that males and females live in separate troops, though apparently believed by Blyth and quoted by Jerdon, I agree with Hutton in regarding as fictitious, though, as the latter observer justly remarks, females with very young offspring may keep together and temporarily apart from the remainder of the troop to which they belong.

I also doubt the details of the story quoted, like the last, from the 'Bengal Sporting Magazine' for 1836, of combats between the males for the possession of the females. But the occurrence of fights amongst these animals rests on good evidence. Mr. T. H. Hughes (Proc. A. S. B. 1884, p. 147) described a combat, witnessed by himself in April, between two communities of Hanumáns, apparently for the possession of a mango-grove. Only the champion males of each flock engaged at first, two from the larger flock, one from the smaller, but after one of the former had been killed, his throat being torn open by his adversary's teeth, two females came to the assistance of the survivor, and the single champion of the opposite side was mortally wounded, whereupon several of the weaker flock appeared to be taken prisoners by the others.

We quite agree with our author that the Indian Lion is verging on extinction, rather more than verging, we should incline to say. As to that matter, Mr. Blanford writes :—

There are probably a very few still living in the wild tract known as the Ghim Kattywar, and a few more in the wildest parts of Rájputána, especially Southern Jodhpur, in Oodeypur, and around Mount Abú. About 20 years ago lions were common near Mount Abu, several were shot near Gwahor, Goona, and Kota, and a few still existed near Lalitpur, between Saugar and Jhansi. One is said to have been killed near Goona in 1873. In 1864 one was killed near Sheorajpur, 25 miles west of Allahabad; and when the railway was being made from Allahabad to Jubbulpoor, in 1866, a fine lion, with a good mane, was shot by two of the engineers near the 80th milestone from Allahabad. About 1830, lions were common near Ahmedabad. Several years previously, in the early part of the century, lions were found in Hurriana to the northward, and in Khandesh to the south, in many places in Rájputána (one was shot in 1810 within 40 miles of Kot Deji, in Sind), and eastward as far as Rewah and Palamow. It is probably that this animal was formerly generally distributed in North-Western and Central India. I have never heard of lions in Cutch, and suspect Jerdon was mistaken in supposing them to be found there.

Here is "a wrinkle" about the tiger's method of killing his prey :—

The popular notion was, and probably still is, that the tiger springs upon its victim from a distance, and either kills the animal by one blow of its paw, or tears the throat with its teeth and sucks the blood. All this is certainly incorrect, so far, at all events, as cattle are concerned; small animals may perhaps be killed by a blow of the paw. I have seen many oxen that had been killed by tigers, and in numerous cases (always, I think, when I ascertained the point) the neck had been broken, whilst in several instances, despite the marks of fangs upon the throat, the great blood-vessels of the neck were untouched, and claw-marks were confined to scratches on the forequarters. All these details agree with the description given by Sanderson from the accounts received from headsmen. According to these, the tiger does not spring upon his prey; "clutching the bullocks forequarters with his paws, one being generally

over the shoulder, he seizes the throat in his jaws from underneath, and turns it upwards and over, sometimes springing to the far side in doing so, to throw the bullock over and give the wrench which dislocates its neck. This is frequently done so quickly that the tiger, if timid, is in retreat again before the herdsman can turn round."

Mr. Blanford says that tigers captured young are easily tamed—and are never to be trusted, he might have added. About the leopard, we are told that the prevalent ideas about his reluctance to cross water are erroneous. Like other wild animals he can and does swim well.

A tame mungoose in London is said to have killed, on one occasion, a dozen rats in less than a minute-and-a-half. Within the last fifteen years the introduction of *Herpestes Mungo* into Jamaica is said to have resulted in a saving of from £100,000 to £150,000 annually, owing to the decreased number of the rats which destroy the local sugarcanes. Mr. Blanford seems to believe that the jackal *does* act as scout for the tiger. His cry, when a tiger or a leopard is in the neighbourhood, is pronounced peculiar and unmistakable. Several observers have, however, remarked that the jackal making the cry *follows* the tiger, never precedes him, as the accepted tradition would have us believe. Mr. Blyth noticed that a pariah dog, on sniffing a collection of caged tigers in Calcutta, set up a most extraordinary howl, probably similar to that of the jackal. There is a belief widely diffused in India and Ceylon that a horn grows on the heads of some jackals, and is of great virtue to its possessor. This book is full of interesting folklore and anecdotes about animals. To the general reader as well as to the scientist, we can cordially recommend it.

Here is something about the wild dog, by way of conclusion to this notice:—

Throughout India there is a general belief that these wild dogs hunt and kill tigers. Whilst not absolutely rejecting the tale, I must say that I think it improbable. The wild dog drives away all deer and other wild animals on which tigers feed, and probably the latter follow their prey. At the same time, some of the accounts of wild dogs attacking tigers are singularly circumstantial. Captain Baldwin, in 'The Large and Small Game of Bengal' (p. 19), gives the particulars of one case, apparently as well authenticated as an account can be, that rests upon the evidence of villagers inhabiting wild parts of the country. In this case the remains of a tiger that had been devoured, were said to have been found together with three dead wild dogs. The same writer (p. 108) describes an instance, said to have been witnessed by an English sportsman, of an attack by wild dogs on the Himalayan black bear (*Ursus torquatus*). Another case in which wild dogs are asserted to have killed a tiger is mentioned by Mr. Sterndale in 'Seonee' and in his 'Natural History of Indian Mammalia.' In other instances the wild dogs are said to have disputed with a tiger or a leopard the possession of prey that had been killed by the latter. It is not improbable that such disputes occur, that they result in the death of some of the wild dogs, and that the remains of the bullock or sambar over which the contest has occurred are taken by credulous men for tiger's bones.

*Charters Relating to the East India Company from 1600 to 1761.* Reprinted from a former collection with some additions and a preface, by JOHN SHAW, Esquire. For the Government of Madras. Madras : Printed by R. Hill, at the Government Press. 1887.

THE Madras Government has done well to reprint *Charters relating to the East India Company, from 1600 to 1761*. They are old enough to have acquired a certain amount of antiquarian respectability and interest, and they help to throw light on the early exploitation of India by primitive East India Companies. Queen Elizabeth's Charter, dated the 31st December, *Anno Domini* 1600, is given to "The Governor and Company of Merchants of London, Trading into the East Indies," and constitutes them "one body, Corporate and Politick, in Deed and in Name, really and fully, for us, our Heirs, and Successors." Thomas Smith, Alderman of London, was appointed first Governor of the Company, which was empowered to convey to its trading grounds £30,000 in bullion "so as £6,000 thereof be first coined in the Mint at the Tower." This charter was for a term of fifteen years, and under its provisions interlopers were, as in all subsequent charters, very strictly interdicted, under pain of "Forfeiture of the Goods, Ships, and Furniture" that formed their stock in trade—half the forfeit to go to the Crown. Under date the thirty-first of May, *Anno Domini* one thousand six hundred and nine, James the First renewed the Letters Patent of "Our late dear sister Queen Elizabeth, of pious memory." By this time the profits to be made had attracted the notice of the Court. Worthy Alderman Thomas Smith, and worthy citizens like him who had promoted the first Company, had not much chance of a finger in the pie of the second. Robert, Earl of Salisbury, High Treasurer of England; Charles, Earl of Nottingham, High Admiral of England; Edward, Earl of Worcester, Master of the Horse, and others of the nobility were among the grantees under James's Letters Patent. From its very inception, we may say, the constitution of the East India Company was aristocratic. As to that matter, Leadenhall Street in the aftertime did but conserve traditions originating in the Royal Palaces at the Tower and Whitehall.

Here is a delicious excerpt from James's Charter :—

And for that The said Governor and Company of Merchants of London, Trading into the East Indies, are like to bring into this Our Realm, a much greater Quantity of foreign Commodities, from the Parts of the said East Indies, than can be spent for the necessary Use of the same Our Realm, which of necessity must be transported into other Countries, and there vendid :—

We for Us, Our Heirs and Successors, of Our especial Grace, certain



Knowledge and mere Motion, do grant to and with The said *Governor and Company of Merchants of London, Trading into the East-Indies*, and their Successors, that at all Times, from Time to Time, during the Space of Thirteen Months, next after the Discharge of any the same foreign Commodities, so to be brought in, the Subsidies, Poundage, Customs and other Duties for the same, being first paid or compounded for as aforesaid, it shall be lawful for The said *Governor and Company*, and their Successors, or any other the natural Subjects of this Our Realm, which may or shall buy the same of them, to transport the same in *English Bottoms*, freely out of this Realm, without payment of any further Custom, Poundage, or any further Subsidy, to Us, Our Heirs or Successors for the same.

In 1657 the Company obtained a Charter from Cromwell; but no copy of it can be discovered either among the records of the State or of the Company. Probably they were destroyed at the Restoration, along with so many State papers one would like to make acquaintance with, which were deemed, in that time of revenges, as dangerous a possession as a small-pox patient's wearing apparel would be now.

With regard to the administration of justice by the Company's servants in India, nothing appears to have been done till the beginning of the year 1678. At that time the Agent and Council at Madras resolved that, under Charles the Second's Charter, they had power to judge all persons living under them, in all cases, whether civil or criminal, according to the English laws, and to execute judgment accordingly. They held their Court in the chapel of the Fort every Wednesday and Saturday. Perhaps the sanctity of the place was expected to endue them with impartiality. This embryo High Court was not, however, intended to interfere with or supersede the Court of the Justices of the Choultry. All small misdemeanours, breaches of the peace, and actions for debt, not exceeding fifty pagodas, were still to be decided by those Justices. *À propos* of law and justice, the Commissioners sent from Surat to take possession of Bombay, requested that a Judge Advocate might be appointed, as under Portuguese rule the people had been accustomed to Civil Law. The Court of Committees declined to accede to this request, being apprehensive that a Judge, versed in Civil Law, might be disposed to promote litigation, and "probably might not obey the orders which the President and Council might find it for the interest of the Company to give him." As a contrast to this pride of arbitrariness it is noteworthy that the Court insisted on the introduction of trial by jury. Charles the Second's Charter of 5th October 1677 gave authority to the Company to coin money at Bombay. The authorities there wanted to take in hand four distinct species of money—gold Carolinas, silver Anglinas, copper Copperoons, and tin Tinnies. The au-

thorities in England, however, thought it better to retain the names of the existing native currency.

It is worthy of notice—

That the Court of Committees in their general letter to Madras of the 22nd January 1692 expressed their opinion that too many Englishmen had been admitted to the Office of Aldermen, and therefore recommended that in future the Aldermen should be of different castes, *viz.*, one Armenian, one or two Hebrews, one or two Portuguese, one or two Gentoos, and one Moor or Mussulman. It was found, however, that this recommendation could not be acted upon, because the Armenians refused to accept the office; the Jews qualified for it had left Madras; the Portuguese were unwilling to officiate for fear of their countrymen at St. Thomé; and it was not safe to confide in the Moors.

Again:—

In 1677 considering that they had at Madras many married families and children, they sent out a schoolmaster who was to teach all the children to read English and to write and cipher gratis, and to instruct them in the principles of the Protestant religion. They also sent to Madras in the same year a supply of bibles and catechisms, and authorised the Council when any should be able to repeat the catechism by heart to give to each of them two rupees for their encouragement. Nor did they shrink from reminding their servants of their duty, for in their general letter to Madras of the 18th February 1691, they desired their President, Mr. Yale, whom God had blessed with so great an estate in their service, to set on foot the building of a church for the Protestant black people and Portuguese, and the slaves which served them, who had then no place to hear the word of God preached in a language which they understood, and therefore were necessitated to go to the Popish churches, whereas, if they had God's word preached to them in the Portuguese language, according to the Protestant doctrine and the prayers of the Church of England, they would as readily frequent the Protestant churches as the Popish chapels.

It seems to us that the chief moral to be derived from these Charters is, that the merchant adventurers of olden time, trading under the style and title of the East India Company, were not nearly so narrow-minded and illiberal as tradition and prejudice have painted them.

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*The Indian Church Quarterly Review.* Edited by the REV. A. SAUNDERS DYER, M. A. The Oxford Mission Press, Calcutta.

THE *Indian Church Quarterly Review* maintains its reputation for supply of interesting subject-matter, and excellence of literary style. Here is the table of contents of the July issue, a well varied one—

Unity.

Plain Papers on the Book of Common Prayer.—I.

Mahomedanism.

A Visit to the Andaman Islands.

A Cathedral Body for Calcutta.

The Autonomy of National Churches not Inconsistent with the Unity of Christendom.

Recollections of Dr. Kay.

Paradise.

Literary Notices.

A portrait is also given of the Bishop of Bombay. From a secular review point of view, the Editor's account of his trip to the Andaman Islands, and Dr. Slater's Recollections of Dr. Kay are the most attractive articles. Mr. Dyer got to Port Blair during Lent and spent there a helpful Lent and a happy Easter, which make his remembrances of the place bright ones. On Easter Day he writes :—

Andamanese orchids in all their varied and tropical beauty adorned the little Church, and the Services were most bright and hearty, thanks to the willing soldier-Choir. The gathering at the Altar told how the Christian Faith is suited to all nations and races. Even the aborigines were not left out, for one Andamanese girl made her Easter Communion among her Saxon and Aryan fellow worshippers. There is another Church belonging to the Church of England in Port Blair, - this is intended for the Indian Christians. People are now beginning to understand that the Indian Church is one, and that the spirit of caste, which reserves one building for Westerns, and another for Easterns, must be exorcised. In this particular case, however, an exception should be made, as most of those who attend this little Church are convicts, and as such, are under punishment for their crimes. We also visited the little Roman Catholic church, but found it very tawdry in its arrangements. Candles planted in glass bottles and old jam tins, are not suitable ornaments for a Christian altar. It may be that it is the best the poor can give, and so is accepted by God. Another comforting thought is, that in the eyes of the unlearned such things do not appear common, or out of place. I was glad to find the Church open for private prayer, and gladder still to find an English soldier saying his prayers therein.

An interesting account is given of the women's quarters at Aberdeen, shut in on one side by the sea, on the other by high palings, and strictly guarded by female jemadars. Men are rigorously excluded. The other day two subalterns, we are told, were anxious to inspect the place, and so appeared at the various gates, seeking admittance. The jemadars were profuse in their salaams and apologies, but steadfast in determination not to let a man put foot within their zenana. We presume that they regard a Padre as of neuter gender. At any rate Mr. Dyer was allowed to enter and make a tour of inspection. The children in the women's section he describes as very bright and intelligent; and, *à propos* of the theories of Mr. Galton and others about the transmission of hereditary virtues and vices to the issue of convict marriages, he gives it as his opinion that in the Andamans, children born of such marriages would not probably be wicked above other children—

Most of the murderers in the Settlement committed their crimes in a fit of passion, it may be in a quarrel over a piece of land, and I do not think that such a culprit, when he comes to himself, is half as dangerous and unpleasant as the man who has been guilty of a continuous course of crime and cunning.

The recollections of Dr. Kay extend over ten years from 1851 to 1861. He is described as devoting himself with wonderful zeal and energy to his duties as Principal of Bishop's College. He was a diligent reader of newspapers, but his biographer never once heard him express any opinion about politics. When he went to the College, he found a very

simple ritual in use in the chapel, and he made no effort to change it, though, when leaving the sacred building, he always turned round and bowed to the Altar. He did so, he said, because that had been his custom for years at Lincoln College, Oxford. The only person who ever joined him in this ceremony was Bishop Wilson. One change he made—

Before he came, the custom had been for the Hindu Bearers, some four or five of them, to stand during Service on the floor of the Chapel between the seats which ran the length of the building, with large Congalese fans in their hands, which they waved in the faces of the worshippers. Dr Kay stopped this immediately, and, as the arrangement of the Chapel made it difficult to have hanging paintings, we had to go without them altogether. The heat was very great, for the Chapel walls had no verandahs to protect them from the sun, but I never heard any one complain. The Service was quite plain. The only thing I ever heard him say about the rendering of the Prayers was that which there should be no drawing, the reading should never be fast, especially in the parts in which the congregation joins. His sermons were remarkable for their spiritual character and profound knowledge of Scripture, but he was never a popular preacher; nor could he have been. His object was to instruct and to move, and he trusted to the *matter* of his sermons to do this. He paid very little attention to *manner*, though I believe he thought he did.

Dr. Kay brought with him to the College profound knowledge of Hebrew, and a considerable acquaintance with Greek and Latin. He never seemed to forget anything. He rarely preached extempore. Dr. Slater is of opinion that when he did, he did not preach well, "He used to think too much, and that often got him into trouble." He was a great reader of modern poetry; but had no appreciation of Shakespeare. He would not read novels; but once when he was going away to Barrackpore for a holiday and complete rest, he got Dr. Slater to recommend one to him, and, says that gentleman—

In an evil hour I recommended *Martin Chuzzlewit*. On his return to College he met me with a mixed expression of fun and vexation in his look. "What possessed you," said he, "to suggest such a book as that? I got so intensely absorbed in the story that I could not turn my mind to anything else. And just when I was in the thick of it, a lady whom I had known in England called, and I had the greatest difficulty in joining in the serious talk she introduced."

The whole article is very readable.

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*Sketches of some Distinguished Anglo-Indians: (Second Series) including Lord Macaulay's great Minute on Education in India; with Anglo-Indian Anecdotes and Incidents.* By Colonel W. F. B. Laurie. London: W. H. Allen & Co., 13, Waterloo Place, Pall Mall, S. W. 1888.

INASMUCH as it deals with men who live and move in our midst, or who have but lately done so, this book may possibly attract the attention of some Anglo-Indians. But not many, we think. There is too much padding about it, and it has no pretensions to literary merit. For instance, where

was the need to reproduce the full text of Lord Macaulay's hackneyed Minute of 1835. It takes up fourteen pages. Eleven more are devoted to the story of the life of one Tita Falcieri, who was, once upon a time, it seems, Lord Byron's valet, and afterwards managed to get himself appointed a door-keeper at the India Office in London. To include this man is hardly a high compliment to other "distinguished Anglo-Indians!" Colonel Laurie has a trick of flinging his honours about, hither and thither, as lavishly as the India Office does its C. I. E. ribbons. He is fond of pomp, and show, and tinsel; records, for instance, item by item, *ab ovo usque ad mala*, in true penny-a-lining fashion, the course of the public procession in which the Indian Princes figured in London last year. We have details of the entourage of number one, and a specification of the arrangement of number eleven's equipage and appearance. According to his account, the greatest wonder of this Imperial Lord Mayor's show was "the Turban of His Highness the Rao of Cutch, which, when the sun flashed upon it, really blazed with the scintillating lights of diamonds, rubies, and emeralds." This is like the boy who thought the pork-pies and bottled stout to be the most interesting feature of the Crystal Palace. There is lots more from the same tap. We are treated to such ancient history as an account of the Prince of Wales' reception in Calcutta (now twelve years old), and of the Duke of Edinburgh's pig-sticking exploits.

We will charitably hope that the exigencies of the London book-selling trade, and its demand for nothing less than 3 volume novels, or books of corresponding bulk, are mainly responsible for these irrelevant inflations. For the rest, we may say that Colonel Laurie's book is a version of "*Men of the Time*." There are, however, appreciative notices of the careers of many Anglo-Indians who have made a name for themselves. The following about Sir Ashley Eden is probably intended to be funny. We reproduce it, however, as possibly our sense of humour is deficient:—

His eventual successor in the Lieut. Governorship of Bengal unveiled a statue of him in Calcutta, and expressed himself (as will afterwards be seen) in very laudatory terms of Sir Ashley, in the course of his speech on the occasion, saying he was the "most enlightened," "the best administrator," &c., &c., Bengal had ever been blessed with. On the report of this speech appearing in the papers, one of Sir A. Eden's colleagues in the India Council (London) remarked laughingly to him—"Eden, do you see what Bayley has been saying about you? You should be in one perpetual blush!" "No," replied Eden; "what has he been saying?" "Why, Bayley," (the present Lieut.-Governor), "says you are the most enlightened and the ablest administrator India, or rather Bengal, has ever had." "Is that all?" said Eden, "Why, I knew that before well. Can't he say anything more original than that?"

The book contains an appreciative account of Henry Woodrow, the first Director of Public Instruction in Bengal, and the organizer of the system of education that now obtains.

About Sir Frederick Halliday our author says *inter alia* :—

During his tenure of office, Sir Frederick being an excellent musician—a rare performer on the violoncello—Belvedere was celebrated for its concerts—the Lieutenant-Governor thus doing good to society while ably serving the State.

We beg to state that the punctuation in this extract is not ours.

The story of the Stracheys is too much matter of notoriety to claim notice here. It has been told over and over again in the daily papers; and we do not quite see why the appointment of General Strachey as President of the Royal Geographical Society should be regarded as “a compliment to the Indian Services.”\* But we may admit that, as an episode in General Strachey's presidency, “it is a happy incident . . . that it should have devolved upon him to present the Founder's Medal to Colonel Holdich, R. E., for his services to geography in connection with the surveys of Afghanistan.”

Of Sir Steuart Bayley, it is written :—

Appointed from Haileybury; arrived in India 4th March 1856: Assistant Magistrate and Collector, 24 Pergunnahs, November 1856; Junior Secretary to Government of Bengal, February 1863; officiated as Secretary to the Government of Bengal in 1865, 1867, and 1871; Magistrate and Collector, First Grade, Monghyr, February 1867; officiating Civil and Sessions Judge, May 1867; Commissioner, Dacca Division, July 1873, and subsequently of the Patna Division, September 1873; Secretary, Government of Bengal, May 1877; Additional Secretary, Government of India, Financial Department, August 1877; Personal Assistant to H. E. the Viceroy, for Famine Affairs, September 1877; Additional Secretary, Government of India, Public Works Department, Famine Branch, December 1877; Secretary, Government of India, Home Department, June 1878; officiating Chief Commissioner, Assam, June 1878, also officiating Lieutenant-Governor of Bengal, July-November 1879; Chief Commissioner of Assam, June 1880; Resident, First Class, Hyderabad, March 1881; Governor-General's Council, 9th May, 1882. To this record may be added—April 2, 1887, Lieutenant Governor of Bengal.

About Sir Lepel Griffin, the Central Provinces King-maker, we are told he has been frequently misunderstood, and that “you cannot help admiring him for his courage and so firmly standing in the pedestal of purpose.” We must treasure up that phrase. The writer also speaks of the “Baboo Press,” to which Sir Lepel has lately been subjected, and says that he can well afford to treat it with contempt. A sparkling style may cover a multitude of sins, and if a writer gives us some new information or some original ideas, we can forgive crude diction and baldness of style. But in these “Sketches of Distinguished Anglo-Indians” we have neither the one thing nor the other.

*Orient and Occident: A Journey East from Lahore to Liverpool.*  
By Major-General R. C. W. Reveley Mitford, Author of  
"To Cabul with the Cavalry Brigade." With illustrations  
from Sketches by the Author. London: W. H. Allen & Co.,  
13, Waterloo Place. 1888.

THIS is an interesting and pleasantly written record of travel. Major-General Mitford started on his expedition from Lahore, a city which he seems to have a "down" upon. He declares that Sir Charles Napier, when it became incumbent on him to select a site for British cantonments there or thereabouts, riding out one very hot morning with that end in view, was angered because his horse stumbled; and straightway "the hot-tempered old warrior swore he would go no further; and so this deadly spot became the home (in too many cases the last) of the chief garrison of the Punjab." We are glad to see reference made to Dr. French, Bishop of Lahore, as a man "whose career in the country is one long story of Christian courage and noble self-sacrifice"; glad also to be reminded once again of the soldierly inscription on Henry Lawrence's tomb:—"Here lies Henry Lawrence who tried to do his duty."

Of Benares it is written:—

At the Burning Ghâts, which are places specially set aside for purpose of cremation, are abundant stacks of wood, and attendants well skilled in the art of human cookery; we saw several pyres in full blaze, while the mourners sat round and discussed the virtues of the deceased, or, more probably, the amount of his estate.

This holiest city of the Hindoos is characteristically dominated by a Mahomedan mosque, whose graceful minarets and swelling domes rise conspicuously above the spires of the pagan temples; certainly when the followers of the Prophet conquered a city they took good care to publish the fact, and admitted no doubt as to who had the upper hand! It is a great pity that we do not learn the lesson from them. The river-side palaces are generally too new-looking; and Scindia's, the finest of them all, shows this want of meekness most conspicuously, even more than the handsome, but still newer Queen's College further inland. Men and women bathe together indiscriminately, the brilliant dresses of the latter adding much to the beauty of the scene. Many large house-boats, called "budgerows," are moored along the bank, which is further ornamented (?) by fields of huge mushroom-houses; on closer inspection, these turn out to be umbrellas of matting, under which the bathers sit and smoke between their dips.

The author does not seem to be aware that these umbrellas are the stations of the numerous Brahman priests.

After leaving Calcutta in one of Jardine's, Mathison and Company's opium steamers, General Mitford came to Singapore, a place said to be very healthy for children and snakes, especially the latter, of which there are many species, some most venomous. The General is of opinion that Chinamen's hats are "collected from the dust heaps of Europe." Here is a story with a moral: "Each man came on board carefully carrying his umbrella, pillow, and fan, but the rifles and belts were tied up in bundies, and flung into the hold anyhow."

The story of his wanderings in Japan will be found interesting. About some of its art-ware he writes:—

We visited one of the chief china factories, and were most courteously conducted all over the establishment by the bland manager, who took infinite pains to show us the whole process, beginning with sorting, washing, kneading and pounding the peculiarly fine clay, forming the various vessels on the potter's wheel (one of the prettiest sights possible), "bisuit"-baking, painting, gilding, and then—the most critical process of all—the final baking. In painting, as in writing, the Japanese hold the brush (used for both purposes) perpendicularly over the surface to be inscribed or ornamented, the thumb pointing upwards, the first and fourth fingers over, and the two middle ones under the brush; in writing they commence at the upper right-hand corner of the paper, and continue in perpendicular lines. China-painting is conducted on the co-operative system, each artist confining himself to one particular portion of the work; one sketches the figures, another the landscape, and a third the scrolls and arabesques; the cup, vase, dish, or whatever it may be, is then handed over to the colourists, who also subdivide their labour, one doing the scarlet, one the blue, and so on until the master workman crowns their efforts by adding the gilding, either in broad lines and masses, or in multitudes of tiny dots. When I say that every one of these touches has to be repeated with minutest accuracy from seven to nine times on the best china, some idea may be formed of the amount of skill and attention required to produce good Kioto-ware.

Mention is made of a temple at Kobé, the shrine of three stone monkey gods—exemplarily inefficient deities. They are "the gods who hear no wrong, who speak no wrong, and who see no wrong." "Darboots" is said to be the Japanese name for Buddha. At Nikko the temples are all Shinto, or anti-Buddhist; and none of them contain idols:—

They are generally covered with ribbed tiles of bronze, not pottery, and the gables and porch over the altar are profusely ornamented. The pillars are often fluted, and their capitals formed of the heads of elephants, lions, or imaginary animals. A curious superstition insists that one of the pillars in each building shall be carved upside down, lest the whole should be too perfect, and excite the jealous anger of the gods! \*

In most countries, country smells are as a rule more tolerable than town ones. A reverse order of nature obtains in Japan; and since it is connected with tea, the following may prove delectable reading to some Anglo-Indians:—

If the smells from the country were unspeakably nauseous, those in the streets were almost pleasant enough to counteract them. From the open windows of the long low "tea-godowns" came the aromatic scent of the drying tea for the leaves of the "first picking" were undergoing that process preparatory to being packed in six-pound boxes for exportation. There is a considerable difference between the methods of preparing tea adopted in China and Japan. In the former country, the leaves are left in heaps till fermentation sets in, and are then dried over fires; in the latter, they are placed, without any preliminary process, in shallow copper basins, which stand in long rows over brick-built furnaces, a watchful attendant in charge of each bowl to turn the tea and see that each individual leaf gets its fair share of heat, and that none stick to the bottom, burn, and spoil the flavor of the whole contents of the pan. As soon as the leaves are thought to be sufficiently dry—a point which can only be decided by much discrimination and long experience—they are emptied out on to mats in the sun and "sorted," that is, all the large coarse leaves and twigs are picked out, also any which are imperfectly dried; the remainder is now ready to be packed in the chests which stand in

\* [This superstition also exists amongst the Hindoos in India; one of the pillars in the famous colonnade at the Kootub, near Delhi, is thus inverted.—ED.]



walls all round the court-yard, and in stacks and pyramids on every patch of ground not required for "sorting." Great wains, laden high with trembling piles of these chests—ever tottering, but never falling—block the narrow streets and their manufacture affords perpetual employment to hundreds of village carpenters all over the neighbourhood.

As soon as the lead-foil lined chest has been filled and nailed down, it is handed over to another batch of workmen, who cover it dexterously with an envelope of rice-straw matting; the coloured stamp of the firm is impressed on one side, the name of the grower and title of the tea on the other; the outside now receives a final coat of coarse varnish, and it is ready for the European—or much more often the American—market.

The suggestion of an American market for Indian teas should be noted.

San Francisco! What can be said of that real centre and meeting-point of Old World and New World civilization that has not been said already? General Mitford at any rate has been unable to say anything new. He contents himself instead with attending morning service at a church where a clergyman with a sonorous voice and most distinct enunciation read prayers and preached. In these days of wholesale competitive examinations, why should not our clergymen, generally, be compelled to practice "distinct enunciation:" sonorousness would soon follow.

Here, is a remarkable picture:—

The "Fire Brigade drill" is one of the most interesting sights in 'Frisco. In a city where wood is so largely employed in buildings and pavements, fires are of frequent occurrence, and the whole system for saving life and property has been brought to a wonderful pitch of perfection. Entering the station shortly before mid-day, we find the scarlet car and van standing ready—the former fully equipped with hose and buckets, the latter with ladders, ropes and grappling-irons—the harness hangs from the ceiling, suspended by spring-clips exactly over the places of the horses on each side of the pole, collars open at the throat, traces ready buckled to them and hitched to the bars under the driver's box, the men's red helmets and fire-coats all on their seats. Behind the carriages stand the horses, in open stalls, unaltered, a light whip hanging from the ceiling over the quarters of each animal. Above each carriage is a trap-door large enough for a man to pass through, with a brightly-polished brass rod for him to slip down, and on one side of the hall is a steep staircase, one half covered with smooth planking to facilitate de-cent, while the stairs of the other half are used for returning to the upper regions when work is done. Going up these stairs we found that the brass rods and trap-doors are just at the foot of the men's beds in the dormitory, while the stairs and slide open into the sitting-room. Noon approached, and the men went to bed, for this was to be a "night-drill;" they were fully dressed, except helmets and fire proof coats, and the upper bed-clothes were connected by a mysterious wire with the ceiling. All was quiet, and we were chatting with the superintendent, when suddenly an electric bell rang in the hall, and a small flap fell showing the name of the street and number of the block in which the fire was supposed to be raging. What followed was so startling, so rapid, and so complex, that the bell seemed to be the stroke of a magician's wand! The mysterious wires stripped off the bed-clothes, the bedsteads sprang up shooting the men on to their feet, the trap-doors opened, streams of blue and red uniform poured down the brass rods, over-flowed the carriage seats, bubbled for an instant, and suddenly congealed into quiet, alert, asbestos-coated and red-helmeted firemen—crack fell the whips, the horses darted precisely into their appointed places to receive the avalanche of harness which fell lightly on them from the ceiling, a sharp click showing that the collars had fastened properly—the great doors flew apart, the spectators shrank back, and in exactly six seconds from the first warning of the alarm bell the fire-party was galloping down the street! It was the very acme of human intelligence, equine sagacity, and mechanical ingenuity. The only perform-

ance I have seen to come anywhere near it is a battery of English Horse Artillery coming into action, and I must confess that even this is a long way behind.

The sensation experienced by the author may now be experienced any evening in London by going to see "The Still Alarm" at the Princess' Theatre.

San Francisco boasts of possessing the longest street of any city in the world, California Street; at the time of our visit the highest-numbered house in this lengthy thoroughfare was 3,208, and still more dwellings were being added. At its upper end is "Nob Hill," where many of the leading citizens live in fine granite-built mansions of fanciful design, and many more in houses which *look* as good, but are really only of wood, covered with stone-coloured paint, in which sand has been freely mingled. There are many imposing buildings in the business part of the town, the immense Palace Hotel being the largest, but the Masonic Temple, the Exchange, and Lick House would attract attention in any European city; some of the churches, too, are very fine.

The Yosemite valley contains "a tiny church, three hotels, a farrier's forge, and a *photographer's shop*." There you have the Yankee world in miniature, and somewhat in the rough. In Carson City our author commenced his dinner with "beef soup," he tells us, and ended it with "fresh grape cake." The account given of Utah will interest many people. General Mitford says :—

We were much struck with the worn, haggard, suffering look of the Mormon women; the young girls were fresh-looking, though decidedly plain, but we did not see one happy, pleasant-faced, middle-aged woman during our stay.

General Mitford escaped being bowie-knifed or revolvered at Denver, but went on thence to Chicago, singing the praises of "almost noiseless" paper wheels for railway cars, and judiciously exercised in mind about American Railway Time-Tables and their inappropriateness to personal convenience. Then we have Niagara, and the customary outflow of "poetic majesty" about it. "Niagara," says the General, "must oppress the noblest of poets, bewilder the greatest of artists, and convert the most stubborn of atheists."

The notion of Saratoga as a "glorified Cheltenham" is not bad, but does Cheltenham quite accord with our author's idea of "a damp, heavy heat, like that of the Indian plains during the rains," which is the climatic character he gives to Saratoga.

The Inspector General of the Bengal Police might take a hint from the following :—

I was glad to see the police dressed in a sensible summer uniform—a loose drab cotton blouse, with cap-cover and drill trousers of the same color—instead of being condemned to swelter through the dog-days in blue cloth.

The book is decidedly readable and enjoyable. Penned by a Military man and not by a Civilian, it is, of course, written more from the descriptive than the administrative stand-point. From the latter point of view, the field is still open; and an Anglo-Indian administrator, going home by "Frisco," and lingering on the route, might give us an excellent book.

*Report of the Committee of Management, Society of Authors (Incorporated) 1886-87.* 4, Portugal Street, Lincoln's Inn Fields, W. C.

THE Incorporated Society of Authors for the protection of literary interests continues, so the Report states, to do good work; and do it most economically.

The measure of its successful operations may be to some extent gauged by the fact that a hundred and forty-six new Members have been elected since July 1886, and that it has been found necessary to appoint an additional Secretary:—

With reference to the International Copyright Convention which came into force on the 5th of December, 1887, the Committee desires to remind Members of the active part which the Society took, in conjunction with the Copyright Association, represented by Mr. Baldy, to secure the participation of Great Britain in this arrangement.

It is hoped that the draft Copyright Bill prepared in accord with the Copyright Association, under the direction of the Committee, will be made available for legislation during this or the ensuing Session of Parliament.

Three Conferences were held in March at Willis's Rooms, and were very successful, the subjects discussed being: The Maintenance of Literary Property; the Profession of Author; Dramatic Rights and Property.

While not seeking to do the work of solicitors or accountants, the Society has already been the means of preventing a large number of persons from entering into improvident or fraudulent agreements. At least one hundred cases against publishers have come under notice; but the Committee is glad to be able to state that no charge has been brought against the best publishing houses. And "in some cases authors had only themselves to blame for signing agreements without taking proper advice."

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*The National Review.* August 1888. London: W. H. Allen & Co., 13, Waterloo Place, S. W.

IS Saul also among the Prophets? Professor Goldwin Smith fighting in Conservative ranks? In a paper contributed to the August Number of the *National Review* he postulates that the task of Radical statesmanship now-a-days is "to make election, or whatever system is to succeed, the expression, not of the will of the people, or of anybody's will, but of public reason." He is, he says, as much opposed as any conservative to revolution, perhaps more opposed than many conservatives to things which lead to revolution, such as leaps in the dark, desperate dealings with the suffrage for the purpose of "dishing the Whigs" and demagogism.

The paper under notice is written with reference to the invitation to English Liberals to join French Red Republicans

in celebrating the centenary of the first French Revolution. Mr. Goldwin Smith demurs. If any revolution at all is worthy of praise—a matter he has more than doubts about—it would be more rational, he suggests, to glorify the English one. “Its object was not merely political liberty, of which those men measured a great deal better than modern revolutionists the true value, but the freedom of the Nation’s soul, which was threatened by Charles and Laud. The Civil War which ensued was conducted in the main with remarkable humanity.” It resulted in a set of institutions, political and judicial, which has been since accepted and copied by all the civilized world. Nevertheless our Reviewer wishes it had never happened; thinks that it would have been better for the nation if it never had. As to the American Revolution—revolt against British dominion it should rather be called—he holds that it was dearly paid for “in consequences about which nothing is said on the Fourth of July.” As to the French Revolution, he writes:—“Of all the calamities that ever befel the human race, that French Revolution which the world is now invited to glorify was the greatest.”

Mr. Goldwin Smith tenders a variety of well supported reasonings for the faith that is in him. For them we must refer our readers to the *Review*. The same number contains also some quaint, hitherto unpublished, Stuart correspondence: a scheme for doing away with the Lord Lieutenancy of Ireland, which is, of course, interesting at such a time as this; and *Some practical thoughts on church hymns*, in which the wording of many “ancient and modern” ones as well as others is justly, if severely, criticized. We are glad to find a protest entered against the gloating satisfaction with which the sanguinary details and physical sufferings of the Crucifixion are often dwelt upon in hymns, *e. g.*—

“Come let us stand beneath the Cross;  
So may the Blood from out His side,  
Fall gently on us drop by drop:  
Jesus, our Lord, is crucified.”

—A. & M., 114.

*Journal of the East India Association.* Published under the authority of the Council. London: East India Association, 26, Charing Cross, S.W. W. H. Allen & Co., 13, Waterloo Place, S. W. 1888.

“THE time has come, the Walrus said,  
To speak of many things:  
Of shoes, and ships, and scaling wax,  
Of cabbages and kings.”

And the time has come for Seva Ram, Esq, B.A, to discourse to the East India Association about “The loyal and patriotic

idea of the Indian people." He deals entirely with the attitude of the educated community towards English rulers in India, and he outdoes Charles the First in loyalty towards Government, defending even Lord Dalhousie's annexations of territory. On this subject he writes:—

Lord Dalhousie did not annex Oude because of a spirit of aggrandizement, for the selfish good of extending British dominion, as some might suppose, but because successive Governors General that had preceded Lord Dalhousie in his august office had repeatedly, but to no effect, urged upon the ruler of Oude the necessity of his reforming the system and management of his government, so that no dangerous state of things might be allowed to hover at the then border of the British dominions. That advice being unheeded, Lord Dalhousie, thinking that rulers only exist for the good of the ruled, and that the Nawab's government was false to the very first principle of all government, was reluctantly obliged to pension off the then Nawab of Oude, and to incorporate his territory under British rule, which he thought (whether rightly or wrongly subsequent history has emphatically decided) served best the interests of the subject populations.

Baboo Seva Ram ignores the fact that the natural tendency of the nations of the East is towards personal royal rule. Orientals have always had, and desired a despotic kingly rule; and if they do not like the British rule, it is probably because there is too much liberty and equality about it. When accommodated with a despotic ruler, orientals will endure an immense amount of oppression rather than rise in rebellion. Haroun-al-Rasched was an awful tyrant, but courtly poets and a courtly inclined populace combined to sing his praises, and to hand them down to tradition, until Alfred Tennyson has been induced in our own days to resound them. The last king of Oudh had to be deposed by the British Government for his misrule and illtreatment of his subjects. But they preferred his disregard for their rights to British regard for them; and out of that sentiment the Sepoy Mutiny of 1857 acquired its main strength. Recently, King Theebaw of Burmah, after outraging all the principles and decencies of humanity, after making his palace a shambles, and repudiating all Treaty obligations, was at last deposed. And forthwith the Native Press, without an exception, which we are able to recall to mind, went into hysterics about the injustice of the proceeding; raved on the text of royal rights; kingly claims to precedence over justice, and so forth. The Indian mind, in short, is irrevocably wedded to kingship—autocracy. To this day ninety-nine hundredths of the people of India believe that the government of the country is in the hands of a grand Llama known commonly as Tipu. Honourable John Company Bahadoor. The fact is that the people miss the oppression they used to get, and they think something is wrong. They have too many rights, and they are getting tired of them. They want some wrongs and grievances as playthings, and they are thirsting for a little of the "zoolum"

which they hear is still rife in Native States. At any rate they want something new and not this eternal justice and distasteful equality. This is recognized by Mr. Seva Ram, though he does not know what they do want. He says, on page 51, "The average educated Indian mind at present seems to be vaguely eager for change, though what is the ultimate goal of its aspirations, the be-all and end-all of all its desires, it will probably be very difficult to say."

*Journal of the East India Association.* Published under the authority of the Council. London: East India Association, 26, Charing Cross, S. W. W. H. Allen & Co., 13, Waterloo Place, S. W. 1888.

SIR RICHARD TEMPLE has been re-elected President of the East India Association, and, whilst accepting the compliment, protests he is so overwhelmed with Parliamentary and School Board work that he can spare no time for the duties of the position. For eight months in the year, he says, he works from twelve to thirteen hours a day; and during the other four he writes books, and puts individuality into them by means of coloured chromo-lithographs. With regard to Burmah, he said :—

He must at once express the opinion decidedly that there is not the slightest chance that any representation to the effect that Burmah should be made into a Crown Colony, will be accepted by the Government. Burmah is, and will remain, an integral portion of the Indian Empire, as hitherto; and the late war, and the consequent annexation, were undertaken for the sake of British India. England had no interest on the Irrawaddy, apart from the interest of the Indian Empire, or at least, none that would justify the efforts and sacrifices which were made. Moreover, financially, the annexation was not unsatisfactory. Burmah pays its way, and has furnished a balance for the Calcutta Exchequer.

*Scientific Religion, or Higher Possibilities of Life and Practice through the Operation of Natural Forces* By Laurence Oliphant; with an appendix by a Clergyman of the Church of England. William Blackwood & Son, London and Edinburgh. 1888.

IF Mr. Laurence Oliphant had happened to live in King Arthur's time, he would have cracked a good many helmets and spilt some blue or more vulgarly coloured blood possibly, in prosecution of his innate ideas about knight-errantry, and in propagation of his ideas about its duties and opportunities. Failing to be born at a time propitious to his peculiar genius, he has spared no pains or sacrifice of self-feeling to fit himself to modern adaptations of the wonder world; and as one result thereof, has published a book on "Scientific Religion," a relief from a busy life of action and adventure. He writes—

- In the first volume which I published, called 'Episodes in a Life of Adventure,' I said in the concluding chapter, that the reason why I could

not continue the records of my life beyond the year 1865, was because my attention, which had previously to that date been for some years directed to what is called "spiritualism," now became absorbed in a new and higher phase of investigation, which compelled me to abandon the pursuits and ambitions of the life I was leading, and retire from the world in order to surround myself by the most favourable conditions I could find under which to "prosecute my researches into the more hidden laws which govern human action and control events," and I went on to say, that "although from time to time I have been suddenly forced from retirement into some of the most stirring scenes which have agitated Europe, the reasons which compelled me to participate in them were closely connected with the investigation in which I was engaged, the nature of which is so absorbing, and its results so encouraging, that it would not be possible for me now to abandon it, or to relinquish the hope which it has inspired, that a new moral future is dawning upon the human race—one, certainly, of which it stands much in need."

I did not then anticipate the possibility of my being so soon called upon to publish my grounds for expressing this hope; but during a withdrawal of five months last summer into the solitudes of Mount Carmel I have felt myself irresistibly impelled to write the following pages, and they furnish the only answer I can give to my numerous critics who are kind enough to regret that I should have left the paths of diplomatic and political adventure "to wander amidst the phantoms and mirages of the occult science." Only those who have tried both are in a position to judge where the phantoms and mirages really are.

The doubts and uncertainty of the educated man concerning religion are described in the following words:—

There is a sense of chaotic surroundings, of unstable footing, of shrinking from the plunge into the unknown; and many of the weaker sort, after going a little way, become troubled as to their own future, and—deficient in such a love for humanity as should induce them to dare all for its sake, and in such a faith in God as should lift them out of all personal anxieties—they scramble back into what they were brought up to believe was an ark of personal safety.

Here is a noteworthy passage:—

Revelation, purporting to be divine, has always come through human instrumentality, and it has differed according to the race, country, moral condition, and temperament of the transmitting medium, and the people to whom it was addressed. Whatever may subsequently have been the view of the disciples concerning the greatest teachers that the world has seen, as to their superhuman natures, there was nothing to distinguish them, as far as we know, in outward appearance, from other men. They depended for their authority on their words and on their acts; so their words were considered inspired, their acts miraculous. The disciples of the founders of all the principal religions of the world have appealed to the wonders that their master could perform, as an evidence of the truth of their teaching: and it is only since modern investigation has ventured into the regions of the psychical and the occult, that men are beginning to perceive that thaumaturgy possesses no value as an evidence for or against moral truth, and that the word "miracle" is misleading, if by that term is implied a violation of the laws of nature; as is also the term "inspiration," if by that word is implied an infallible communication to man from God.

Mr. Laurence Oliphant considers that the Bible and the churches have been of inestimable value to humanity in spite of

sanguinary wars and bitter prosecutions. But he holds that "the reason why those inspirations upon which the most ancient religions were founded so often contradicted themselves and each other, and why their prophets so often prophesied falsely, was their falling away from mysticism." Occultism is all in all with Mr. Oliphant now-a-days. He thinks it might have saved the primitive church from corruption.

With the suppression of the mystical sects in the early Christian Church, and with the inauguration upon a substantial basis of the present system of Christian ecclesiasticism, about the close of the second century after Christ, the so called "heresies," which were the legacy that oriental mysticism had bequeathed to the West, gradually faded; and with them some of the deep internal truths which they contained, notwithstanding their many errors and exaggerations, were lost.

Mr. Oliphant objects to latter day Catholicism in any guise, whether Roman, Greek, or Armenian. Sir Launcelot did not reckon toleration one of his virtues. St. Louis, the crusading king of France, when setting face eastwards on his Syrian expedition, said to his captains: "You are not to argue with unbelievers. If they refuse to be baptized, shove your swords through them." That is the real animating spirit of proselytism. It always will be so probably; meek missionary disclaimers notwithstanding. The following advice will probably not be followed:—

Let any English philosopher, who is ready to make the necessary sacrifice, begin by accepting the hypothesis as possible, that he can upset the laws of gravitation and sit in the air, or otherwise perform so-called miracles; let him go to India and sit for ten or fifteen years under a banyan tree, staring most of the time at one object; let him live on nothing but lentils and water, with perhaps a little fruit, avoid all contact with his fellowmen, practise constantly holding his breath, and sleep as little as possible; it will not be long before he will pass occasionally into states of semi-consciousness to external things, which he will plainly distinguish from sleep, and if he does not die in the process (which he probably will not do if his faith is strong enough), he will find himself as last developing forces undreamed of in his philosophy. To sit idle for ten or fifteen years seems hardly the way to arrive at wisdom.

When Mr. Laurence Oliphant was in Paris in 1887 he paid a visit to the Salpetriere and investigated "Le grand Hypnotisme." He is of opinion, as a result of his experience there, that a world may exist composed of material forces which are of too subtle a nature for us to understand or explain.

Mr. Oliphant bestows "a word of notice" on the Hindoo, Parsee, and Jewish religions. On the first, because it is prehistoric; on the second, because its internal faculties are open; on the third, because it is Jewish; and on all of them together, because they are in his opinion intimately co-related and apprelated. That is a mistake which tradition leads a good many clever men seeking after affinities into. As a matter of fact there is, of course, a fundamental difference between religions dependent in



the one case on bloody sacrifices and bloodthirstiness, and in the other on nature worship and infinite tenderness and kindness to animal life. Hinduism, Mr. Oliphant thinks, has long been "undergoing a gradual, but sure disintegration and decay." If he had spent in India one year of the years of his life which have smouldered away in Lebanon, Mr. Oliphant would have seen Hinduism with other eyes; known that it is possibly stronger now than it has been for years past. Of late years Christian Missionaries and English education have availed to put it on its guard, to render it as dogmatic and self-assured as it was in the days before Akbar sneered at all religious faith, and his courtiers curried-favor with him by seeming to consent to the infidelity. A young Hindu, fresh from College, M.A., B.A., whatever his degree may happen to be, may, in his early manhood, as a result of what he has been taught to consider praiseworthy exercise of freedom of thought, fall away from Hinduism, fall into freedom of champagne-and-brandy drinking, ape all the worst characteristics the native mind associates with the opprobrious term "Christian." But this condition of mind seldom lasts long after early manhood. The quondam rake becomes more of a purist, more of a Hindu than his Shasters tell him to be, if that is possible; perhaps an ascetic; certainly a devotee. If Mr. Oliphant had lived longer in India than the few weeks he did as Lord Elgin's Secretary, we do not think that he would have been so misled by rose-coloured missionary reports as he has been.

The author of 'Scientific Religion' repudiates Swedenborgianism and says:—

There is no doctrine attended with greater danger than this one, which involves the necessity of a pivotal man, through whom alone God can act upon the human race. It was invented by the early Church, is illustrated in Rome, and has since been acted upon by others. It is a doctrine which casts its magnetic fetters round the affections, the will, and the understanding, and makes abject slaves of those who yield themselves to it. The whole tendency of the divinely vital plescent now occurring is to develop the entire nature of man, morally, rationally, and physically; to emancipate him from the bondage of Churches and of men; to make him his own pivot, standing erect in the light of his own divine illumination, and lifting his arms Godward, inspired by the dignity of his own aspiration—neither borne into the unseen in the swaddling-clothes of a sect, nor driven thither in a chain-gang under the cruel lash of a slave-driver, nor projected into it upon the fagot of an *auto da fe*.

We are told "that old people can derive physical life from fresh young organisms by sleeping beside them." And it is rare for married people to exchange the elements of vital atoms in equal proportions. Incompatibilities of temper and temperament in short conspire against the validity of legal affection. Mrs. Mona Caird has already told us something like this. Here is an ingenious light brought to bear upon

the courses of mortal dissolution and decay :—"When death ensues from old age, it is, because the psychic atoms have burst the physical atoms which contain them—in other words, the physical frame dissolves from excess of internal vitality."

Nothing can be more misleading, the author of 'Scientific Religion' holds, than popular conceptions of heaven and hell. That may be. But we for our part would rather yield acceptance to the crudest of them, than to such a Judaic notion as is embodied in the following passage :—

Parents who have lost children should always remember that the progress of their offspring in the unseen is much influenced by their own lives here, and that in proportion as they rise here, does the upward attraction increase upon the child there ; while many of their own impulses to high and noble action here may be projected upon them, quite unconsciously to themselves, from children whom they say they have "lost," but with whom they are far more nearly connected, than if they had lived.

That a Calcutta Reviewer should be ungallant is not to be supposed. Something, however, must be said on the subject. The divine feminine's femininity would appear to hinge on the word *πνευμα*. To a man like Mr. Oliphant by virtue of femininity the fundamental truth is conveyed that he is "a biune being, in the service of a biune God." And, when sufficient change has been effected in the "gross passional particles" of the female whelp's nature, some good may be expected of her. But, naturally enough "progress in this difficult path is zigzag." The Pneuma has but little regard for zigzags, however, and the Sympneuma is so superior to its prototype, that even Mr. Oliphant is aghast at it. *A'propos* of sympneuma this is good—

The main obstacle to the rapid evolution of sympneumatic life in the world is to be found in its existing social conditions, and the conventionalities which have sprung from them. These are naturally based upon the perfectly correct hypothesis, that man is such an essentially impure creature, that it is dangerous to have two persons of opposite sexes alone together in a room ; while if they should happen to travel for a couple of days upon the most secret mission, the vilest suspicions are aroused. This surrounds the co-operation of any man or woman, unless they happen to be married, with the gravest difficulty.

Young men and women in hill-stations, who get talked about for being seen too much together, have only got to say that they are cultivating the sympneumatic life, and all suspicion will be at once disarmed.

Altogether Mr. Oliphant's book is of the 'transcendental moon-hine' type, and we don't think that ordinary individuals, with healthy appetites and undiseased affections, will derive much advantage from reading it.

## VERNACULAR LITERATURE.

*Surd-pân bā Vis-pân* : a Hand-book of Temperance. Edited and published by Gyan Chandra Bysāk, a Member of the Calcutta Band of Hope. Herald Printing Works, Calcutta, 1888.

*The Bengali title of this book means "Wine-drinking is Poison drinking."*

**I**T is a respectable Hand-book on Temperance—respectable for its size, as well as for the exhaustive treatment of the subject. Apparently it owes its origin to the personal experience of the author. In the preface, he confesses that having in his youth regularly read a certain temperance newspaper, he came to loathe all wines and spirits. "It is to be feared," he adds, "that if the above newspaper had not existed at the time, I might have become a confirmed drunkard." Thus qualified for his self-imposed task, the author has written with the zeal and enthusiasm of a neophyte. With the industry of an ant, he has picked and put together every stray fact or story he came across in book or newspaper, and having proved up to the hilt the evil effects and awful spread of intemperance, and adduced numerous cases illustrative of its grievous consequences, he asks us to accept the picture of vice and wretchedness he has drawn as representing the actual state of things as we find them in this country. This is more than we can concede. We have yet to learn that intemperance has, in any sense, become a national vice of the people of this country. The Hindus are an ancient people and may have many flaws and fissures in their character, but their bitterest enemy has never had the hardihood to stigmatize them as a nation of drunkards. Foreign travellers have at all times borne testimony to the orderly behaviour of the crowds at fairs and festive gatherings where drunkenness is conspicuous by its absence. The author seems to be himself conscious of the weakness of his case for he has supported his argument by quotations from the evidence given before Mr. Westmacott, who was lately appointed by the Bengal Government to enquire into the working of the out-still system in Hooghly and Howrah. The result of Mr. Westmacott's inquiries has not yet seen the light; but whatever it may be, the urban areas of Hooghly and Howrah are not the whole of Bengal. The question, whether the consumption of a drug like *ganja* is not more deleterious than that of wine, has not been noticed by the writer. The medical opinions on the question which the author has so largely quoted, no more help him than the evidence given before the Excise Commissioner. They are all one-sided and have reference to the abuse of alcoholic drinks.

*Notes on Ben Jonson's "Every Man in his Humour." Honor English Text for 1887, Calcutta University ; containing extracts from Elizabethan and Jacobian Dramatists and Satirists, illustrative of scenes, manners, and characters (supplementary to Wheatley's edition). By Brajendra Nath Seal, M. A., Principal, Berhampore College, Bengal. I. C. Bose & Co., Stanhope Press, Calcutta.*

THIS somewhat elongated title of a short pamphlet of 24 pages would seem to be sufficiently explanatory of its scope and object. But apparently the author had his misgivings on this point, for he has taken care to add a preface in which he "emphatically" denies that these "Notes" are intended to serve the purposes of a "Key," and protests that 'he has not committed a single verbiage (?) in the way of taking the life and soul out of the Poet's 'winged words' by translating them into dull and flatulent verbiage.' This nearly choked us off, but we had to review the book and persevered. What are these "Notes" then? The preface explains that they consist merely of "extracts" from contemporary writers, illustrative of those points regarding scenes, manners and characters, which are either left untouched, or not sufficiently explained and illustrated by Mr. Wheatley, to whose edition of the play these "Notes" purport to be supplementary. Now this method of illustration by citation of parallel passages has its advantages, if applied with discrimination. But it does not supersede annotation, strictly so-called. When the sense or construction of a word or phrase is in question a parallel passage from a contemporary writer affords the best key to the true measure of its meaning. But where a word or phrase is itself obscure or obsolete, it must first be explained by the commentator, the illustrations following as examples. The author has entirely ignored this simple rule in his dread of what he calls a "verbiage." For example, at p. 21, we have the following line and its illustration by "extracts:"—

*His band or any other amorous toy.* For costly bands, cf. Fennor's complete description of a gallant already quoted. Nates cites Beaumont and Fletcher.

Then his hand  
May be disordered, and transformed from lace  
To cut-work.

Now we would challenge 99 out of 100 Englishmen to tell us what these "bands" "or falling bands" were, how they were worn, and how they came to be reckoned among "amorous toys." And yet this useless knowledge is crammed down the throats of unhappy Bengali students. In the instance we have quoted, the commentator's aid becomes necessary to the student, who has a right to expect a brief account of a mode which

has gone out of fashion and memory of men. Instead of it, he is furnished with ready citations from contemporary poets, in which the terms "band" and "falling band" are repeated without a clue to their meaning. They remind us of some of Dr. Warburton's learned notes on Pope and Shakespeare which are very amusing reading to the literary book-worm, but which are excruciatingly irritating to the honest student who is no wiser for the trouble of wading through them. However, as things educational go, probably the "extracts" will be found useful to advanced students. They have evidently been collected with care, and appear to be the result of an independent study of the original sources, and, as such, they are generally well chosen and apposite. When will the Literature Course for the B. A. Degree be made a little less mind-paralysing?

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